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2021 Annual Action Plan

New Mexico Mortgage Finance Authority

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New Mexico Department of Finance and Administration



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Action Plan

AP-15 Expected Resources – 91.320(c)(1,2)

Introduction

Housing and community development resources are expected to be available to the State of New Mexico through HUD under several federal block grant programs. These block grants include the CDBG, HOME, ESG, HOPWA and the HTF programs. The HOME and CDBG programs will produce program income that will also be available for program specific housing and community development activities in the State. MFA and its partner agencies may compete for additional resources under the Supportive Housing Program, Section 811 Housing, Section 202 Housing, Rural Innovation Fund and Housing Counseling. Many partners leverage their resources with other funding sources they receive directly such as Self-Help Homeownership Opportunity Program (SHOP) and Native American Housing Assistance and Self-Determination Act (NAHASDA) grants.

The State's additional federal resources include HUD's Recovery Housing Program, HUD's Veterans Housing Rehabilitation Program, the Capital Magnet Fund, United States Department of Agriculture (USDA) programs, Federal Housing Administration (FHA) loan programs, Mortgage Revenue Bonds (MRBs), Low Income Housing Tax Credits (LIHTC) available from the IRS, the HUD 542(c) Risk Sharing Program and HUD Section 811 Project Rental Assistance.

Other nonfederal resources expected to be available through MFA include resources from State legislative allocations, the New Mexico Housing Trust Fund, MFA's Primero Fund and the New Mexico Affordable Housing Tax Credit. Many partners also leverage other state resources, such as funding from the New Mexico Human Services Department and the New Mexico Children, Youth & Families Department. Further, local governments may provide resources, and private support may be available from organizations such as the United Way and the Ventana Fund (CDFI), or from developer contributions (land, deferred developer fee, loans) and private donations.

As part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), MFA and DFA received funding from HUD that is available to CDBG, ESG and HOPWA. These funds will be identified as "CDBG-CV," "ESG-CV" and "HOPWA-CV," respectively. References in the Action Plan narratives for CARES Act funds will refer to "CDBG-CV1," "ESG-CV1" and "HOPWA-CV1", respectively, for the first allocation and "CDBG-CV2" and "ESG-CV2", respectively, for the second allocation. The annual allocations of the federal grant programs will be referred to as "regular CDBG," "regular ESG" and "regular HOPWA" throughout the narratives. Unless noted or depicted as above or otherwise, the terms "CDBG," "ESG" and "HOPWA" in the narratives will refer to *all* CDBG, ESG, or HOPWA funds, inclusive of all CARES Act allocations and all annual allocations. MFA received \$4,140,483.00 in ESG-CV1 funding and \$8,795,819 in ESG-CV2 funding. The focus of the program is to assist people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The allowable activities for this funding

are maintaining and updating of the Homeless Management Information System (HMIS), Shelter Operations, Essential Services, Homeless Prevention and Rapid Re-Housing. The program is intended to be used for the most vulnerable populations who meet the eligibility criteria as outlined in the ESG regulation under 24 CFR Part 576.

HUD awarded HOPWA-CV1 funding to the City of Albuquerque in the amount of \$76,795 and to MFA in the amount of \$69,375 for a total of \$146,170. HOPWA funds are used to provide housing assistance for low-income individuals living with HIV/AIDS and their families. Services can be in the form of Tenant Based Rental Assistance (TBRA), Short Term Rent, Mortgage, and Utility Assistance (STRMU) and Permanent Housing Placement (PHP). TBRA pays a portion of the clients monthly rent, STRMU provides temporary assistance to prevent homelessness and PHP is used to pay for security deposits, utility connection fees and first month's rent. HOPWA-CV1 funds were fully expended in 2020.

DFA received \$6,802,356 in CDBG-CV1 funding and \$5,528,301 in CDBG-CV2 funding. The CARES Act adds additional flexibility for CDBG in these unprecedented times. The objective, as such, shall be to help New Mexicans to the greatest extent possible, the majority of whom are low to moderate income. As permitted by 85 FR 51457, CDBG-CV funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.

The chart below describes how each HUD program is supported by additional funds from other federal sources and state, local and private funding.

PROGRAM	POTENTIAL ADDITIONAL SOURCES OF FUNDS			
	Other Federal or Federally Subsidized	State	Local	Private
CDBG	US Department of Agriculture (USDA)	State legislative allocation, Colonias Infrastructure funds and Water Trust Board funds	Local government contributions	Community Assistance Corporation and private funding (economic development)
ESG - RAP		State legislative allocation, New Mexico Human Services Department funding	Local government contributions	
ESG - EHAP	Victims of Crime Act (VOCA) Federal Emergency Management Agency (FEMA)	State legislative allocation, New Mexico Children, Youth & Families Department funding	Local government contributions	United Way, private donations
HOPWA	None	None	None	None
HOME - Owner-Occupied Rehab	Regular Community Development Block Grant (Regular CDBG) HUD Veterans Housing Rehabilitation Program		Local government contributions	
HOME - Single Family Homeownership Development	Self-Help Homeownership Opportunity Program (SHOP), USDA Section 502 Program, Federal Housing Administration (FHA) loan programs	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, private donations

HOME - Rental	Low Income Housing Tax Credit (LIHTC) tax-exempt bonds, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, HUD Section 811 Project Rental Assistance, Federal Home Loan Bank (FHLB) Affordable Housing Program	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, Ventana Fund (Community Development Financial Institution-CDFI), developer contributions (land, deferred developer fee, loans), private donations
HTF	LIHTC, tax-exempt bonds, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, HUD Section 811 Project Rental Assistance, FHLB Affordable Housing Program	New Mexico Housing Trust Fund, MFA Primero Fund, New Mexico Affordable Housing Tax Credit	Local government contributions	Private lenders, Ventana Fund (CDFI), developer contributions (land, deferred developer fee, loans), private donations

Anticipated Resources

Because the citizen participation process was conducted prior to receiving the 2021 allocations of funding amounts from HUD, the draft 2021 Action Plan published for comment is based on estimated funding amounts. The proposed budget will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust its funding amounts accordingly before submission of the 2021 Action Plan to HUD.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Regular CDBG	public - federal	Admin and Planning Acquisition Economic Development Housing Public Improvements Public Facilities Homelessness Prevention	11,803,450	500,000	1,112,213	13,415,663	35,456,031	<p>The State will set aside 10% of its regular CDBG allocation for Colonias. Regular CDBG funds are not used on tribal reservations.</p> <p>The State received HUD approval to transfer Neighborhood Stabilization Program (NSP) – Future program income funds to the CDBG Program. In Year 2, this is projected to be \$500,000. Of the final amount approved, the State will use 10% for program administrative and technical assistance costs.</p>

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Admin and Planning Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership	5,279,570	2,125,000	383,788	7,788,358	15,708,442	Funds may be used statewide.
Regular HOPWA	public - federal	Permanent housing placement Short-Term Rent, Mortgage, and Utility (STRMU) assistance Tenant-Based Rental Assistance (TBRA)	1,091,539	0	0	1,091,539	2,926,113	MFA administers the City of Albuquerque HOPWA allocation under a memorandum of understanding as well, and those funds are used specifically in the City of Albuquerque.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Regular ESG	public - federal	Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services	1,204,224	0	0	1,204,224	3,598,736	Funds may be used statewide
Housing Trust Fund	public - federal	Multifamily rental new construction Multifamily rental rehab	3,000,000	0	2,925,000	5,925,000	9,000,000	Funds may be used statewide.
CDBG-CV1	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	6,802,356	6,802,356	0	CDBG-CV1 funds to be used to prevent, prepare for and respond to the Coronavirus. As permitted by 85 FR 51457, these funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.
ESG-CV1	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	3,715,630	3,715,630	0	ESG-CV1 funds to be used to prevent, prepare for and respond to the Coronavirus.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG-CV2	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	5,528,301	5,528,301	0	CDBG-CV2 funds to be used to prevent, prepare for and respond to the Coronavirus. As permitted by 85 FR 51457, these funds are available statewide, including entitlement areas, non-entitlement areas and tribal reservations.
ESG-CV2	public - federal	To prevent, prepare for and respond to the Coronavirus	0	0	8,795,819	8,795,819	0	ESG-CV2 funds to be used to prevent, prepare for and respond to the Coronavirus.

Table 1 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state, and local funds), including a description of how matching requirements will be satisfied

Federal funds in the programs shown above are leveraged in many ways. Regular CDBG funds are leveraged with appropriations from the state legislature and local governments. This leverage equates to a dollar to dollar match after the first \$100,000. HOME and HTF funds are leveraged with HUD's Veterans Housing Rehabilitation Program, Self-Help Homeownership Opportunity Program (SHOP), USDA Section 502 Program, FHA loan programs, Mortgage Revenue Bonds (MRBs), Low Income Housing Tax Credits (LIHTC) available from the IRS, HUD 542(c) Risk Sharing Program, USDA programs (i.e. Section 538, USDA Preservation Revolving Loan Fund), HUD Section 8 Project-Based Rental Assistance, FHLB Affordable Housing Program, the state's General Fund, the New Mexico Housing Trust Fund, the New Mexico Affordable Housing Tax Credit, the Primero Fund, the Ventana Fund, and a variety of private and local funding sources.

ESG is leveraged with appropriations from the state legislature, and is used in conjunction with VOCA, FEMA, New Mexico Children, Youth & Families Department funding, New Mexico Human Services Department funding, local government contributions, United Way funding and private donations. After the first \$100,000, all regular ESG expenses must be matched dollar for dollar. Cash, non-cash, and program income must meet requirements of § 576.201. Matching funds must be contributed to the ESG program and expended for the subrecipient's allowable ESG costs. Emergency Homeless Assistance program (EHAP) subrecipients shall be required to provide matching funds in an amount at least equal to their approved ESG funding amounts for eligible program activities. Eligible match sources include: cash; the value or fair rental value of any donated material or building; the value of any lease on a building; any salary paid to staff to carry out the program of the recipient and the value of the time and services contributed by volunteers to carry out the program of the subrecipient at a current rate of \$5 per hour. Volunteers providing professional services such as medical or legal services are valued at the reasonable or customary rate in the community. Match requirements for the Rental Assistance program (RAP) are met by MFA's legislative appropriations for state homeless programs.

Match requirements of the HOME program will be met by three primary sources: resources committed by grantees and local governments, proceeds from mortgage revenue bonds and MFA general fund interest subsidy. Eligible forms of HOME match are documented by MFA and reported to HUD as part of the Consolidated Annual Performance and Evaluation Report (CAPER) each year. MFA requested the use of the HOME program statutory suspensions and/or regulatory waivers available under Section 290 of the Cranston-Gonzales National Affordable Housing Act of 1990 (NAHA), as amended, and those authorized under 24 CFR 5.110, and as outlined in the HUD memorandum dated April 10, 2020 to provide maximum flexibility in using HOME funds to address immediate housing needs and help prevent spread of the Coronavirus Disease 2019 (COVID-19). The statutory suspension and regulatory waivers available to major disaster areas is for the reduction of the matching contribution requirement for funds expended between October 1, 2019 and September 30, 2021

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

This section is not applicable.

Discussion

The State receives CDBG, HOME, ESG, HOPWA and HTF funds. With the exception of a 10% set-aside of regular CDBG funds for Colonias and the specific use of HOPWA funds administered on behalf of the City of Albuquerque, all funds are eligible for use statewide. The State makes special efforts to leverage all funds through other federal, state, local and private sources to further address the needs identified in this Action Plan.

AP-20 Annual Goals and Objectives – 91.320(c)(3)&(e)

Goals Summary Information

Because the citizen participation process was conducted prior to receiving the 2021 allocations of funding amounts from HUD, the draft 2021 Action Plan published for comment is based on estimated funding amounts. The proposed budget will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust its funding amounts accordingly before submission of the 2021 Action Plan to HUD.

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	1A. Expand & Improve Public Infrastructure and Public Facilities	2021	2021	Non-Housing Community Development	Statewide	Expand & Improve Public Infrastructure & Facilities	Regular CDBG: \$11,415,663	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 32,500 Persons Assisted
2	2A. Rehabilitate Owner Occupied Housing	2021	2021	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	HOME: \$3,120,111	Homeowner Housing Rehabilitated: 38 Household Housing Units
3	2B. Increase Homeownership Opportunities	2021	2021	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	HOME: \$553,751 Regular CDBG: \$500,000	Homeowner Housing Added: 5 Household Housing Units Direct Financial Assistance to Homebuyers: 5 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	2C. Develop Affordable Rental Housing	2021	2021	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	HOME: \$4,114,496	Rental units constructed: 11 Household Housing Units Rental units rehabilitated: 11 Household Housing Units
5	2D. Develop Housing for Vulnerable Populations	2021	2021	Affordable Housing	Statewide	Preserve & Develop Affordable Housing	Housing Trust Fund: \$5,925,000	Rental units constructed: 10 Household Housing Units Rental units rehabilitated: 10 Household Housing Units
6	3A. Provide Assistance for Job Creation	2021	2021	Non-Housing Community Development	Statewide	Economic Development Opportunities	Regular CDBG: \$1,500,000	Jobs created/retained: 100 Jobs Businesses assisted: 3 Businesses Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	4A. Provide Assistance to Reduce Homelessness	2021	2021	Homeless	Statewide	Housing Assistance for Vulnerable Populations	Regular ESG: \$572,178 ESG-CV1: \$2,115,107 ESG-CV2: \$5,070,622 CDBG-CV1: \$6,802,356 CDBG-CV2: \$5,528,301	Tenant-based rental assistance / Rapid Rehousing: 2,809 Households Assisted Homelessness Prevention: 9,899 Persons Assisted
8	4B. Provide Assistance for Shelters	2021	2021	Homeless	Statewide	Housing Assistance for Vulnerable Populations	Regular ESG: \$632,046 ESG-CV1: \$1,600,523 ESG-CV2: \$3,725,197	Homeless Person Overnight Shelter: 6,684 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
9	4C. Provide Assistance to Persons w/ HIV/AIDS	2021	2021	Non-Homeless Special Needs	Statewide	Housing Assistance for Vulnerable Populations	Regular HOPWA: \$1,091,539	Tenant-based rental assistance / Rapid Rehousing: 90 Households Assisted Homelessness Prevention: 158 Households Assisted

Table 2 – Goals Summary

AP-25 Allocation Priorities – 91.320(d)

Introduction

The following section describes the allocation priorities by goals in this plan.

Funding Allocation Priorities

	1A. Expand & Improve Public Infrastructure & Public Facilities (%)	2A. Rehabilitate Owner-Occupied Housing (%)	2B. Increase Homeownership Opportunities (%)	2C. Develop Affordable Rental Housing (%)	2D. Develop Housing for Vulnerable Populations (%)	3A. Provide Assistance for Job Creation (%)	4A. Provide Assistance to Reduce Homelessness (%)	4B. Provide Assistance for Shelters (%)	4C. Provide Assistance to Persons w/ HIV/AIDS (%)	Colonias Set-Aside	Total (%)
Regular CDBG	75	0	4	0	0	11		0	0	10	100
HOME	0	40	7	53	0	0	0	0	0	0	100
Regular HOPWA	0	0	0	0	0	0	0	0	100	0	100
Regular ESG	0	0	0	0	0	0	48	52	0	0	100
HTF	0	0	0	0	100	0	0	0	0	0	100
CDBG-CV1	0	0	0	0	0	0	100	0	0	0	100

ESG-CV1	0	0	0	0	0	0	57	43	0	0	100
CDBG-CV2	0	0	0	0	0	0	100	0	0	0	100
ESG-CV2	0	0	0	0	0	0	58	42	0	0	100

Table 3 – Funding Allocation Priorities

Reason for Allocation Priorities

Through experience, data analysis and consultation, the allocation priorities for CDBG and HOME have been identified as noted above. These priorities reflect the estimated amount of funds necessary to meet the goals set forth in this Plan and address the priority needs identified by the State. HUD funds are being targeted to priority housing and community development needs, including owner-occupied rehabilitation, homeownership opportunities, affordable rental housing, homelessness, rapid rehousing, job creation and infrastructure needs. These funds will be leveraged by other state and federal funds.

For the regular State CDBG program, the allocation percentages are based on totals given the demand-driven nature of the program and HUD regulation. Most CDBG funds are allocated through annual competition. This competitive process prioritizes funding in part to applicants that describe and document significant need. This need-based review prevents DFA from predicting the ultimate geographic distribution of assistance, as areas of need can change over the course of a year. This method of distribution ensures that the funding is allocated to eligible, non-entitlement, low-income areas with demonstrated need and capacity. CDBG-CV funds are to be used in response to complications associated with COVID-19 and add additional flexibility in these unprecedented times to include waivers and alternative requirements. CDBG-CV1 and CDBG-CV2 activities shall provide assistance to reduce homelessness in the most general sense possible in an effort to help New Mexico in these difficult and unforeseen times.

HOME funds are allocated to activities as indicated above on an annual basis, after MFA learns the amount of funding from HUD for the upcoming year. Applications for HOME funds for multifamily developments can be made through the competitive LIHTC process. HOME multifamily funding applications without LIHTC can be submitted at any time. HOME funding for homeowner rehabilitation or homebuyer assistance is provided on a first-come, first-served basis for as long as funding is available.

HTF funds will be allocated to applicants selected based on the criteria described in the HTF Allocation Plan and the Notice of Funding Availability issued by MFA.

ESG funds are allocated to the Emergency Homeless Assistance Program (EHAP) and the Rental Assistance Program (RAP). EHAP funds are provided to emergency shelters that assist homeless individuals as well as those fleeing domestic violence. Shelters receiving EHAP funds through regular ESG are selected through a competitive process that includes a number of criteria, such as the shelter's capacity and previous performance. These criteria ensure that the highest number of individuals will be served by shelters that are most qualified to serve them. RAP funds are awarded to agencies providing homeless prevention and rapid rehousing services. These agencies are selected through a competitive process that includes criteria such as agency experience and level of need in the agency's service area. Annual funding allocations received by these agencies are determined through a combination of factors, including past performance and poverty levels in the geographic areas served. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced. ESG-CV funding will be awarded to EHAP and RAP. Sub-recipients that are selected from

the competitive EHAP RFP will be awarded ESG-CV funding thus eliminating the process of completing another lengthy RFP. Additionally, eligible shelters that were not selected in the EHAP RFP will be offered a portion of the ESG-CV funding. These eligible shelters will receive the portion of ESG-CV funding if they successfully followed ESG regulations and have previously received EHAP funding. Sub-recipients that are currently administering RAP will be awarded ESG-CV funding thus eliminating the lengthy RFP process. Information will be collected from previously selected RAP sub-recipients to determine how to distribute the funds. RAP sub-recipients will be awarded ESG-CV funding for each responded request based on the information collected. MFA will release a new Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding.

Regular HOPWA funds are used for housing assistance for persons with HIV/AIDS and are allocated to agencies selected through a competitive process that includes criteria such as the agency's capacity and experience. Annual funding amounts received by these agencies are proportional to the numbers of persons at or below the federal poverty level who are diagnosed with HIV/AIDS in the counties served by each agency. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced. HOPWA-CV1 funding were awarded to sub-recipients that were currently administering regular HOPWA thus eliminating the lengthy RFP process. A designated amount of HOPWA-CV1 funding was awarded and used only for the City of Albuquerque. The remaining HOPWA-CV1 funding was awarded to the Balance of State. In order to determine the Balance of State funding allocations, the Department of Health provides MFA the number of persons living with HIV/AIDS with incomes below the federal poverty level. Depending on the number provided, the funding will be allocated for each region to be served across the state.

How will the proposed distribution of funds will address the priority needs and specific objectives described in the Consolidated Plan?

The proposed distribution of funds will address the priority needs of the plan by meeting the objectives designed to meet those needs. The funds allocated to different goals are designed to effectively meet needs across the State as distributed through the various methods of distribution.

AP-30 Methods of Distribution – 91.320(d)&(k)

Introduction

New Mexico has designed its Method of Distribution (MOD) according to the State's vision of how CDBG funds and other formula grants should be distributed within the State, consistent with State program requirements and HUD Notice CPD-06-11. The MOD only summarizes selection criteria in this section of the Consolidated Plan because details are promulgated in official state publications that are widely disseminated to eligible applicants. This includes criteria used to select applications for funding including relative importance of the criteria. The MOD also includes, where appropriate, a description of how all resources will be allocated among funding categories and the threshold factors and grant size limits that are to be applied, including funding thresholds, number of applications allowed per grantee, as well as any grant limits that the State has imposed.

Distribution Methods

1	State Program Name:	Community Development Block Grant (CDBG) Program
	Funding Sources:	Regular CDBG and CDBG-CV
	Describe the state program addressed by the Method of Distribution.	<p>DFA uses CDBG funds to address local community development needs. DFA provides assistance and oversight to local officials and other eligible applicants with the implementation of needed infrastructure, public buildings, housing rehabilitation, economic development, planning and other critical projects. Ten percent of each regular CDBG allocation is set aside for activities in the Colonias.</p> <p>The CARES Act adds additional flexibility for CDBG-CV grants in these unprecedented times. The objective, as such, shall be to help New Mexicans to the greatest extent possible, the majority of whom are low to moderate income. The allowances for use in entitlement areas, and tribal reservations are only for CDBG-CV funds.</p> <p>These methods of distribution will not apply to the CDBG Single Family and Residential Properties Development Program as described in MOD 9.</p>

<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>DFA determines areas of CDBG funding based on need, readiness to proceed, uniform grant guidance and other current ranking criteria identified in the CDBG Rules and Regulations (NMAC 2.110.2).</p> <p>DFA has created a vetting process to ensure that set-aside funds for economic development and housing are efficiently utilized. Subrecipients are given an application after all parties involved agree that the project is eligible and has a low degree of risk. This process is designed to save time and eliminate unnecessary work.</p> <p>All CDBG-CV funds will be used as part of a needs-based response to COVID-19.</p>
<p>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</p>	<p>DFA maintains CDBG applications, manuals and other necessary information on its website at http://www.nmdfa.state.nm.us/CDBG_Information_1.aspx-</p>
<p>Describe how resources will be allocated among funding categories.</p>	<p>Under the CDBG program, eligible applicants can apply for one of the following categories, contingent on funding availability: community infrastructure, housing, public facility capital outlay, economic development, public services or planning. Any of the funding categories above may be used in the Colonias.</p>

	Describe threshold factors and grant size limits.	<p>Regular CDBG Funds (Non-CARES Act CDBG Funding)</p> <ul style="list-style-type: none"> • Eligible applicants can have one open project at any time for up to \$750,000 in regular CDBG infrastructure funds. • Eligible applicants can apply throughout the year for up to \$500,000 in housing funds, as long as funds are available. • Eligible applicants can have one open project at any time for up to \$750,000 for regular CDBG public facilities. • Eligible applicants can have one open project at any time for up to \$500,000 for regular CDBG economic development funds, as long as funds are available. • Eligible applicants may apply for up to \$50,000 for regular CDBG planning funds throughout the year, as long as funds are available. • Eligible applicants do not have a grant size limit for regular CDBG public services funding. <p>CDBG-CV</p> <ul style="list-style-type: none"> • Eligible subrecipients of CDBG-CV funding will receive assistance relative to the size of the organization and impact upon low and moderate income persons.
	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of persons assisted with public infrastructure and facilities funds • Number of rental units rehabilitated with housing funds • Number of owner-occupied homes rehabilitated with housing funds • Number of jobs created or retained with economic development funds • Number of businesses assisted with economic development funds • Number of persons assisted with homelessness prevention funds
2	State Program Name:	HOME Rental Development
	Funding Sources:	HOME
	Describe the state program addressed by the Method of Distribution.	The HOME Rental Development program provides below-market-rate loans to developers to finance the production, acquisition and/or rehabilitation of rental units for households whose incomes do not exceed 60% of Area Median Income (AMI). Forgivable loans may be awarded for projects targeting 30% AMI.

	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	Projects must have demonstrated financial feasibility and will be subject to underwriting standards that, among other criteria, verify that HOME funds are needed and will enhance affordability. This assessment includes a subsidy layering review. Market studies, or other evidence of market need, are required at MFA's discretion. Projects using HOME funds in conjunction with Low Income Housing Tax Credits (LIHTCs) must meet all conditions and requirements set forth in the application LIHTC Qualified Allocation Plan.
	Describe how resources will be allocated among funding categories.	<p>Projects intending to use HOME funds in conjunction with 9% LIHTCs must meet all the conditions and requirements set forth in the applicable QAP. Projects receiving LIHTC awards will be awarded HOME funds simultaneously. Award amounts and payment structures will be determined by the debt capacity of the individual project and must meet the standards adopted for the LIHTC and HOME programs.</p> <p>Applications for HOME funds for all projects outside of the 9% LIHTC round will be accepted and reviewed on a first-come, first-served basis. MFA will conduct outreach to Community Housing Development Organizations (CHDOs) to encourage them to apply.</p>
	Describe threshold factors and grant size limits.	Awards of HOME funds to projects that receive 9% LIHTCs are generally limited to the lowest of (a) \$15,000 per unit for CHDOs/\$7,500 for non-CHDOs, (b) \$1,000,000 per project for CHDOs/\$400,000 for non-CHDOs or (c) 80 percent of the project's total development cost. Awards of HOME funds to all other projects are generally limited to the lesser of (a)\$15,000 per residential unit for CHDOs/\$7,500 for non-CHDOs, (b)\$1,000,000 per project for CHDOs/\$800,000 for non-CHDOs, or (c) 80 percent of the project's total development cost. However, depending on fund availability, higher awards may be allowed, at MFA's discretion.
	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of rental units constructed for eligible households • Number of rental units rehabilitated for eligible households
3	State Program Name:	Homeowner Rehabilitation Program
	Funding Sources:	HOME

	Describe the state program addressed by the Method of Distribution.	The Homeowner Rehabilitation Program provides funding for the rehabilitation of homes occupied by homeowners whose annual household income does not exceed 60 percent of the area median income, adjusted for family size. In the event that substandard units are in such poor repair that rehabilitation is not appropriate, funds may also be used for reconstruction or replacement. Substandard units may be replaced with a new site-built home or new manufactured housing that is affixed to a permanent foundation.
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	Subrecipients are selected based on organizational capacity, financial management capacity, construction experience, quality of program implementation plans, community need and other ranking criteria identified in a Notice of Funding Availability (NOFA) issued by MFA. Homeowners must occupy the home to be rehabilitated and must have annual household incomes at or below 60% of AMI adjusted for family size as determined by HUD.
	Describe how resources will be allocated among funding categories.	Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the NOFA issued by MFA. Three percent of HOME funds are designated for subgrantee administrative fees.
	Describe threshold factors and grant size limits.	Hard construction costs are generally limited to an average of \$55,000 per home. Funding for soft costs of between \$10,000 - \$13,000 per home, depending on the home's location, may be available to subgrantees. These limits may change slightly, at MFA's discretion.
	What are the outcome measures expected as a result of the method of distribution?	Number of eligible homes rehabilitated according to the program's standards.
4	State Program Name:	HOME Single Family Development Program
	Funding Sources:	HOME

	Describe the state program addressed by the Method of Distribution.	The HOME Single Family Development Program provides below-market-rate loans to developers for land purchase, infrastructure development and construction of single-family homes for purchase by low-income households. Developers receiving such loans may also apply for grant funding for principal reduction of single family mortgages obtained by purchasers of the constructed homes. Developers of new construction will be made aware of the construction accessibility requirements of both the federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	HOME single-family development loans and any associated principal reduction grants are provided on a first-come, first-served basis, provided that the project meets MFA's underwriting criteria.
	Describe how resources will be allocated among funding categories.	Resources will be allocated on a first-come, first-served basis for development activities and developers receiving loan awards are eligible to receive grants for principal reduction of homebuyers' mortgages. MFA will outreach to CHDOs to encourage them to apply.
	Describe threshold factors and grant size limits.	Underwriting will take place to ensure that homebuyers are not over-subsidized; grant amounts will vary based on financial need.
	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of homes constructed for eligible homebuyers • Number of eligible homebuyers receiving down payment assistance
5	State Program Name:	Rental Assistance Program (RAP)
	Funding Sources:	Regular ESG and ESG-CV
	Describe the state program addressed by the Method of Distribution.	The Rental Assistance Program (RAP) provides funds to subrecipients across the state who deliver emergency assistance to individuals and households experiencing homelessness or at risk of becoming homeless. Assistance can be used for rent, rental arrears, security deposits, application fees, housing relocation and stabilization services, housing search and placement and utilities and utility arrears and is intended to restore stability for a specific time period.

<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>Sub-recipient applicants are selected based on community need, past performance and agency experience and capacity, including financial management capacity. These criteria are described in detail in any procurement process issued by MFA. Beneficiaries of rapid re-housing assistance must meet the definition of homelessness set forth in 24 CFR §576.104. For regular ESG, beneficiaries of homelessness prevention assistance must have incomes at or below 30% AMI and have documentation that meet the HUD definition for “At risk of homelessness” as outlined in 24 CFR §576.2 (1). Households deemed eligible for regular ESG homelessness prevention assistance would need to provide one of the following:</p> <ol style="list-style-type: none"> 1. Certification by the individual or head of household that no subsequent residence has been identified, OR 2. Self-certification or other written documentation that the individual or head of household lacks the financial resources and support networks to obtain other housing. <p>Sub-recipients that are currently administering RAP will be awarded ESG-CV funding thus eliminating the lengthy RFP process. MFA will release a Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding. The NOFA sub-recipient applicants are selected based on community need, agency capacity and financial management capacity. For ESG-CV, beneficiaries of homelessness prevention assistance must have incomes at or below 50% AMI and have documentation that meet the HUD definition for “At risk of homelessness” as outlined in 24 CFR §576.2 (1). Households deemed eligible for ESG-CV homelessness prevention assistance would need to provide one of the following:</p> <ol style="list-style-type: none"> 1. Certification by the individual or head of household that no subsequent residence has been identified, OR 2. Self-certification or other written documentation that the individual or head of household lacks the financial resources and support networks to obtain other housing.
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<p>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</p>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>RAP funds are currently available to subrecipients through an RFP process. Nonprofit 501(c)(3) organizations and units of general purpose local government are eligible to apply. Selected subrecipients are eligible to receive funds for up to 6 years on an annual basis if the renewal criteria are met each year.</p> <p>ESG-CV</p> <p>Information will be collected from previously-selected RAP sub-recipients to determine how to distribute the funds, including:</p> <ul style="list-style-type: none"> • Funding amount the organization can expend; • Staff and equipment capability for additional workload; • Ability to serve counties outside the one in which they reside; and • Administrative funds needed for the program. <p>RAP sub-recipients will be awarded ESG-CV funding for each responded request based on the information collected.</p> <p>MFA will release a Notice of Funding Availability (NOFA) for the remainder amount of ESG-CV funding.</p>
<p>Describe how resources will be allocated among funding categories</p>	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 7.5 percent of MFA's allocation will be used for eligible administrative costs incurred by MFA.</p> <p>ESG-CV</p> <p>As described above, RAP sub-recipients will be awarded ESG-CV funding for each responded request based on the information collected. The maximum amount of administrative funds available for this grant is 10 percent of total funding. For ESG-CV1, MFA is retaining 2.5 percent to cover the administrative costs of operating this program and is awarding 7.5 percent to the RAP program subrecipients. For ESG-CV2, MFA is retaining 5 percent to cover the administrative costs of operating this program and is awarding 5 percent to the RAP program subrecipients.</p>
<p>Describe threshold factors and grant size limits.</p>	<p>Annual funding allocations received by subrecipients are determined through a combination of factors, including past performance and population of the counties served.</p>

	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of eligible households receiving rapid re-housing assistance • Number of eligible persons receiving homelessness prevention assistance
6	State Program Name:	Emergency Homeless Assistance Program (EHAP)
	Funding Sources:	ESG and ESG-CV
	Describe the state program addressed by the Method of Distribution.	The Emergency Homeless Assistance Program (EHAP) provides funding for emergency shelter operations, essential services and data collection using HMIS or Osnium.
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Applicants are selected based on community need, past performance and agency experience and capacity, including financial management capacity. These criteria are described in detail in a Request for Proposals (RFP) issued by MFA. Individuals qualifying for assistance must meet HUD's definition of homelessness.</p> <p>ESG-CV</p> <p>Sub-recipients that are selected from the competitive EHAP RFP will be awarded ESG-CV funding thus eliminating the process of completing another lengthy RFP. Additionally, eligible shelters that were not selected in the EHAP RFP will be offered a portion of the ESG-CV funding. These eligible shelters will receive a portion of ESG-CV funding if they have previously received EHAP funding and have successfully followed ESG regulations.</p>

	Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>EHAP funds are currently available to subrecipients through an RFP process. Nonprofit 501(C)(3) organizations and units of general purpose local government are eligible to apply. Selected sub-recipients are eligible to receive funds for up to 5 years on an annual basis if the renewal criteria are met each year.</p> <p>ESG-CV Sub-recipients that are selected from the competitive EHAP RFP will be awarded ESG-CV funding thus eliminating the process of completing another lengthy RFP. Additionally, eligible shelters that were not selected in the EHAP RFP will be offered a portion of the ESG-CV funding as described above.</p>
	Describe how resources will be allocated among funding categories.	<p>Regular ESG Funds (Non-CARES Act ESG Funding)</p> <p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 7.5 percent of MFA's ESG allocation will be used for eligible administrative costs incurred by MFA.</p> <p>ESG-CV ESG-CV awards for EHAP sub-recipients will be determined by the size of each shelter which is based on their number of available beds. Shelters that did not receive the additional EHAP program funding will be offered ESG-CV funding if they provide a list of specific items that they could spend this money on within six months. The maximum amount of administrative funds available for this grant is 10 percent of total funding, which will be used for eligible administrative costs incurred by MFA.</p>
	Describe threshold factors and grant size limits.	Annual funding allocations received by subrecipients are determined through a combination of factors, including past performance and population of the counties served.
	What are the outcome measures expected as a result of the method of distribution?	Number of eligible persons assisted
7	State Program Name:	Housing Opportunities for Persons with AIDS (HOPWA) Program
	Funding Sources:	Regular HOPWA and HOPWA-CV1

<p>Describe the state program addressed by the Method of Distribution.</p>	<p>The HOPWA program provides tenant-based rental assistance; short-term rent, mortgage, and utilities payments (STRMU); and permanent housing placement assistance to income-eligible individuals who have medical documentation of a diagnosis of HIV/AIDS and their families. An individual or family is income-eligible if their incomes do not exceed 80 percent of the area median income as determined by HUD. MFA administers both the City of Albuquerque allocation and the New Mexico Balance of State allocation.</p>
<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>Regular HOPWA Funds (Non-CARES Act HOPWA Funding)</p> <p>Subrecipient applicants are selected based on organizational capacity, including financial management capacity, housing experience and plans for proposed areas to be served. These criteria are described in detail in a Request for Proposals (RFP) issued by MFA. Recipients of assistance must be income-eligible individuals who have medical documentation of a diagnosis of HIV/AIDS and their families. An individual or family is income-eligible if their incomes do not exceed 80 percent of the area median income as determined by HUD.</p> <p>HOPWA-CV1</p> <p>Sub-recipients that are currently administering regular HOPWA will be awarded HOPWA-CV1 funding thus eliminating the lengthy RFP process. In order to determine funding allocations, the Department of Health provides MFA the number of persons living with HIV/AIDS with incomes below the federal poverty level in the regions to be served across the state.</p>
<p>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</p>	<p>Project sponsors are selected through a competitive RFP process that evaluates organizational capacity, including financial management capacity, housing experience and plans for proposed areas to be served. Nonprofit organizations, including grassroots and community-based organizations, are eligible to apply.</p>

	Describe how resources will be allocated among funding categories.	<p>Regular HOPWA Funds (Non-CARES Act HOPWA Funding)</p> <p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 3% of MFA's HOPWA allocation will be used for eligible administrative costs incurred by MFA.</p> <p>HOPWA-CV1</p> <p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the RFP issued by MFA. Up to 6% of HOPWA-CV1 allocation will be used for eligible administrative costs incurred by MFA. Up to 10% of HOPWA-CV1 allocation will be used for eligible administrative costs incurred by project sponsors.</p>
	Describe threshold factors and grant size limits.	<p>The HOPWA award for the City of Albuquerque allocation is limited to the allocation less administrative costs incurred by MFA. Award limits for the Balance of State are based on need, or the percentage of persons with HIV/AIDS that are below the federal poverty level in the region to be served.</p>
	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of eligible households receiving rental assistance • Number of eligible households receiving short-term rent, mortgage, and utility assistance (STRMU)
8	State Program Name:	National Housing Trust Fund (HTF)
	Funding Sources:	HTF
	Describe the state program addressed by the Method of Distribution.	<p>The HTF program provides forgivable or cash flow loans to developers to finance the production, acquisition and/or rehabilitation of rental units for households whose incomes do not exceed the greater of 30% Area Median Income (AMI) or the federal poverty line.</p>

<p>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</p>	<p>All projects must meet the following threshold criteria:</p> <ul style="list-style-type: none"> • HTF-assisted units must provide permanent rental housing for extremely low income (ELI) families. • HTF-assisted units must remain affordable to ELI families for at least 30 years. • The applicant must certify that HTF-assisted units will comply with all HTF requirements. • The project must be financially feasible. • HTF-assisted rehabilitation projects must comply with the rehabilitation standards found in the HTF allocation plan in the Grantee Unique Appendices. <p>All projects that meet the threshold criteria will be evaluated according to the following criteria:</p> <ul style="list-style-type: none"> • Geographic diversity • Duration of the affordability period beyond the required 30 years • Organization type • Absence of project-based assistance • Transit-oriented development • Rural location • Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market rate units • Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner • Use of state, local and private funding sources • Extent to which the project provides permanent supportive housing
<p>Describe how resources will be allocated among funding categories.</p>	<p>Resources will be allocated on a competitive basis in accordance with the scoring criteria described in the Notice of Funding Availability issued by MFA, which elaborates on the guidelines described in MFA's HTF Allocation Plan. Up to 10 percent of MFA's allocation and future program income will be used for eligible administrative and planning costs, in accordance with 24 CFR 93.202.</p>
<p>Describe threshold factors and grant size limits.</p>	<p>All awards are limited by the maximum per-unit subsidy limits described in MFA's HTF Allocation Plan and by MFA's underwriting guidelines. Awards of HTF funds to projects that receive 9% LIHTCs are generally limited to \$400,000 per project; however, depending on fund availability higher awards may be allowed, at MFA's discretion. Limits on awards of HTF funds to all other projects may be established by MFA based on availability of funds. Projects that will include accommodations for individuals with disabilities are likely to have higher development costs. Projects will be evaluated separately for cost-efficiency.</p>

	What are the outcome measures expected as a result of the method of distribution?	<ul style="list-style-type: none"> • Number of units constructed for eligible households • Number of units rehabilitated for eligible households
9	State Program Name:	CDBG Single Family and Residential Properties Development Program
	Funding Sources:	CDBG (NSP Program Income Activity Code)
	Describe the state program addressed by the Method of Distribution.	<p>The CDBG Single Family and Residential Development Program provides below-market-rate loans to developers for land purchase, infrastructure development, acquisition/rehabilitation and construction of single-family homes* for purchase by low-income households. This activity will be solely funded by program income generated by MFA's NSP program and future CDBG program income generated by this activity. MFA is a designated unit of general local government (UGLG) and will have first access to the generated program income. The funds will be made directly available to MFA without an application process requirement from MFA to DFA.</p> <p>Developers receiving loans from the program may also apply for grant funding for principal reduction of single-family mortgages obtained by purchasers of the constructed and rehabilitated homes. Developers of new construction will be made aware of the construction accessibility requirements of both the federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.</p> <p>*CDBG guidelines for manufactured housing and prefabricated housing.</p>
	Describe all of the criteria that will be used to select applications and the relative importance of these criteria.	<p>MFA is a designated unit of general local government (UGLG) and will have first access to the generated program income.</p> <p>CDBG single-family and residential development loans and any associated principal reduction grants are provided on a first-come, first-served basis, provided that the project meets MFA's underwriting criteria.</p>
	Describe how resources will be allocated among funding categories.	Resources will be allocated on a first-come, first-served basis for development activities and developers receiving loan awards are eligible to receive grants for principal reduction of homebuyers' mortgages. MFA will outreach to CHDOs to encourage them to apply.
	Describe threshold factors and grant size limits.	Underwriting will take place to ensure that homebuyers are not over-subsidized; grant amounts will vary based on financial need.

<p>What are the outcome measures expected as a result of the method of distribution?</p>	<ul style="list-style-type: none"> • Number of homes constructed for eligible homebuyers • Number of eligible homebuyers receiving down payment assistance
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Table 4 - Distribution Methods by State Program

Discussion

Because the citizen participation process was conducted prior to receiving the 2021 allocations of funding amounts from HUD, the draft 2021 Action Plan published for comment is based on estimated funding amounts. The proposed budget will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. Once the final allocations are made, the State will adjust its funding amounts accordingly before submission of the 2021 Action Plan to HUD.

AP-35 Projects – (Optional)

Introduction

MFA and DFA wait to allocate funding on the project level until after HUD has published the FY formula allocations. When DFA receives notice of the CDBG allocation, they will make their allocation/funding decisions, which will be entered into IDIS through the AP-35 screen by DFA. Likewise, MFA will follow their normal allocation/funding decision process after receiving notice from HUD. Those projects will be entered into IDIS through the AP-35 screen by MFA. This is the normal process and does not cause a substantial amendment to the Action Plan. No further public notice will be required.

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

HUD funds are being targeted to priority housing and community development needs, including owner-occupied rehabilitation, homeownership opportunities, affordable rental housing, homelessness, rapid rehousing, job creation and infrastructure needs. These funds will be leveraged by other state and federal funds.

Regular CDBG allocation percentages are based on a competitive process given the demand-driven nature of the program and HUD regulation. This process prioritizes funding in part to applicants that describe and document significant needs, preventing DFA from predicting the ultimate geographic distribution of assistance, as areas of need can change over the course of a year. This method of distribution ensures that the funding is allocated to eligible, non-entitlement, low-income areas with demonstrated need and capacity. The State has set-aside 10% of its regular CDBG allocation to support providers located in the Colonias through investments in development/redevelopment projects and for homeless strategy. The Colonias have the additional barrier of the lack of capacity. Many of these communities do not have established local governments, tax bases or the organizational structure to compete for and implement funding. CDBG-CV funding will be used in used to mitigate damage as the result of COVID-19, which mandates the expeditious utilization of funds in response a rapidly changing health and economic environment.

HOME funds for multifamily developments can be made through the competitive annual LIHTC process. HOME multifamily funding applications without LIHTC can be submitted at any time. HOME funding for homeowner rehabilitation or homebuyer assistance is provided on a first-come, first-served basis for as long as funding is available.

HTF funds will be allocated to applicants selected based on the criteria described in the HTF Allocation Plan and the Notice of Funding Availability issued by MFA.

ESG funds are allocated to the Emergency Homeless Assistance Program (EHAP) and the Rental Assistance Program (RAP). EHAP funds are provided to emergency shelters that assist homeless

individuals as well as those fleeing domestic violence. Shelters are selected for regular ESG funds through a competitive process that includes a number of criteria, such as the shelter's capacity and previous performance. RAP funds are awarded to agencies providing homeless prevention and rapid rehousing services. These agencies are selected through a competitive process that includes criteria such as agency experience and level of need in the agency's service area. Annual funding allocations received by these agencies are determined through a combination of factors, including past performance and poverty levels in the geographic areas served.

HOPWA funds are used for housing assistance for persons with HIV/AIDS and are allocated to agencies selected through a competitive process that includes criteria such as the agency's capacity and experience. Annual funding amounts received by these agencies are proportional to the numbers of persons at or below the federal poverty level who are diagnosed with HIV/AIDS in the counties served by each agency. These criteria ensure that services are targeted according to need and are provided by agencies that are qualified and experienced.

The State endures obstacles addressing underserved needs due to not enough funding to meet the full need and service provider capacity, especially in remote rural areas. MFA and DFA will remove barriers to affordable housing by prioritizing and/or incentivizing existing providers and new providers to work in Colonias; strengthening delivery channels and building capacity to develop and rehabilitate housing in underserved areas; and promoting the development of new organizations to provide housing counseling and financial fitness education around the State.

AP-38 Project Summary

Project Summary Information

MFA and DFA wait to allocate funding on the project level until after HUD has published the FY formula allocations. When DFA receives notice of the CDBG allocation, they will make their allocation/funding decisions, which will be entered into IDIS through the AP-35 screen by DFA. Likewise, MFA will follow their normal allocation/funding decision process after receiving notice from HUD. Those projects will be entered into IDIS through the AP-35 screen by MFA. This is the normal process and does not cause a substantial amendment to the Action Plan. No further public notice will be required.

AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)

Will the state help non-entitlement units of general local government to apply for Section 108 loan funds?

The State will not help non-entitlement units of general local government apply for Section 108 loan funds.

Available Grant Amounts

N/A

Acceptance process of applications

N/A

AP-45 Community Revitalization Strategies – 91.320(k)(1)(ii)

Will the state allow units of general local government to carry out community revitalization strategies?

Yes. The State will allow units of general local government to carry out community revitalization strategies.

State's Process and Criteria for approving local government revitalization strategies

Depending on funding availability and the State's ability to support the request, the State will choose eligible applicants to carry out community revitalization strategies as long as the strategy is in accordance with the eligible applicant's Comprehensive Plan, Infrastructure Capital Improvement Plan (ICIP) and meets the low-to-moderate income requirement.

AP-48 Method of Distribution for Colonias Set-aside – 91.320(d)&(k)

Distribution Methods

State Program Name	Funding Sources
DFA Administered CDBG Program	CDBG

Table 5 - Distribution Methods by State Program for Colonias Set-aside

State programs Addressed

DFA uses CDBG funds to address local community development needs. DFA provides assistance and oversight to local officials with the implementation of needed infrastructure, public facilities, housing rehabilitation, economic development, planning and other critical projects.

Criteria and their importance

The Community Development Council (CDC) and DFA have developed rating and ranking criteria for evaluation of all regular CDBG projects with 10 percent being allocated for Colonias projects. The selection criteria in the rating and ranking system will give priority to projects that firmly demonstrate the following: need, appropriateness, impact and benefit to low- and moderate-income persons. These criteria are outlined in the State's rules and regulations in the New Mexico Administrative Code (NMAC 2.110.2). All regular CDBG applicants are rated and ranked on these criteria, with preference given to Colonias for the set-aside. In order to qualify as a Colonias project, the project must be located within 150 miles of the US/Mexico border, be designated as a Colonias and address one of the following needs: lack of potable water supply; lack of adequate sewage systems; or lack of decent, safe and sanitary housing.

CDBG only: Access of application manuals

The CDBG Implementation manual and other CDBG application information for regular CDBG funds can be found at http://www.nmdfa.state.nm.us/CDBG_Information_1.aspx and http://www.nmdfa.state.nm.us/CDBG_Planning_Grants.aspx.

ESG only: Process for awarding funds to state recipients

N/A

HOPWA only: Method of selecting project sponsors

N/A

Resource Allocation among Funding Categories

Regular CDBG funding is not allocated among the funding categories until after applications are

received, rated/ranked and allocation awards are made.

Threshold Factors and Grant Size Limits

Threshold factors and grant size limits for the Colonias are exactly the same as other non-entitlement communities outside the Colonias.

Outcome Measures expected as results of Distribution Method

Number of people assisted within the Colonias

Discussion

DFA will set aside 10 percent of regular CDBG funding for the Colonias. Counties with Colonias can apply for funding to direct to problem areas in the Colonias.

AP-50 Geographic Distribution – 91.320(f)

Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed

DFA will set aside 10 percent of regular CDBG funds for Colonias neighborhoods. Further, pursuant to a memorandum of understanding, the State administers the City of Albuquerque's HOPWA funds and those funds must be used within the City of Albuquerque. Because these funds are administered on behalf of the City and not direct allocations to the State, they are not included in the percentage distributions for State allocations below. The table below represents regular CDBG funds only. The allowances for use in entitlement areas and tribal reservations are only for CDBG-CV funds.

Geographic Distribution

Target Area	Percentage of Funds
COLONIAS NEIGHBORHOOD	10
Statewide	90

Table 6 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The Colonias have a variety of housing and community development needs that create opportunities for strategic investment. Regular CDBG funds will be targeted for all communities, but particularly in Colonias communities.

Discussion

DFA will set aside 10 percent of regular CDBG funds for Colonias neighborhoods.

AP-55 Affordable Housing – 24 CFR 91.320(g)

Introduction

The below tables reflect one-year goals for the State's HOME funds.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	44
Special-Needs	0
Total	44

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
Production of New Units	6
Rehab of Existing Units	38
Acquisition of Existing Units	0
Total	44

Table 8 - One Year Goals for Affordable Housing by Support Type

Discussion

The most important impediment to affordable housing revolves around insufficient federal and state resources for affordable housing initiatives. The lack of full funding for programs and resources to reduce excessive rent or mortgage burdens to qualified persons is a key factor. As a result, the State's goals include a variety of housing approaches that attempt to meet the demand for affordable housing to the fullest extent possible given the limited resources.

AP-60 Public Housing - 24 CFR 91.320(j)

Introduction

The State of New Mexico has 17 public housing authorities (PHAs) within the jurisdiction of the State Consolidated Plan. Neither DFA nor MFA operate public housing, therefore, neither agency directly plans resident initiatives. Efforts to collaborate more extensively with PHAs are underway through the State's three Regional Housing Authorities (RHAs), which MFA oversees on behalf of the State. These RHAs are Northern Regional, Western Regional and Eastern Regional.

The actions below encompass the 17 PHAs identified in this plan.

There are three PHAs in New Mexico that are not among the PHAs listed in this plan: the City of Albuquerque Housing Authority, the Housing Authority of the City of Las Cruces and the Santa Fe Civic Housing Authority. All three PHAs are from HUD entitlement communities and plan public housing strategies within their grantee's jurisdiction. This plan does not include information from these three public housing authorities.

Tribal Housing Authorities are also not among the PHAs listed in this plan and are not included in the State's public housing strategy. The 20 Tribal Housing Authorities operate independently within their sovereign nations. This plan does not include information from Tribal Housing Authorities.

Actions planned during the next year to address the needs to public housing

To the extent possible, MFA will make funding available to PHAs pursuing the redevelopment of blighted public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Neither DFA nor MFA operate public housing, therefore, neither agency directly plans resident initiatives. Local administrators are responsible for these activities. However, MFA is aware that some PHAs provide opportunities for residents to participate in homeownership, including first-time homebuyer counseling.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable to the State directly, however, within the State of New Mexico, the Northern Regional Housing Authority has been designated as "troubled" by HUD. While not directly responsible for the activities and performance of this housing authority, the State is committed to supporting it in improving its operations. The State will assist by providing oversight, training and technical assistance to support the housing authority in its effort to remove the troubled designation.

Discussion

No additional discussion beyond points covered above.

AP-65 Homeless and Other Special Needs Activities – 91.320(h)

Introduction

The State aims to reduce homelessness and address the housing needs of individuals with special needs through the following overall strategies:

- Supporting a continuum of housing and supportive services programs that addresses the needs of the State's most vulnerable residents through homelessness intervention and rapid rehousing as well as by means of integrated services that maintain the housing stability, health and general well-being of "at-risk" populations; and
- Maintaining a strong relationship with the New Mexico Coalition to End Homelessness (NMCEH) to enhance and promote stabilization of individuals and families experiencing homelessness and encourage transition to stable, permanent housing situations.

ESG funds allow MFA to provide emergency assistance as well as rental assistance and in-house case management to ensure efficient client transition from homelessness to self-sustainability. HOPWA funds allow MFA to provide housing assistance for people living with HIV/AIDS.

Describe the jurisdiction's one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

As a member of the governing boards of the Albuquerque and Balance of State CoCs, MFA contributes to the CoCs' outreach planning. In addition, MFA requires that outreach be conducted by service providers receiving ESG funds under MFA's Rental Assistance Program (RAP), which provides Rapid Re-Housing services. These outreach efforts may include street outreach, outreach at shelters, outreach to clients receiving services targeted toward those experiencing homelessness and outreach to clients of behavioral health providers. MFA serves on the New Mexico Coordinated Entry System (NMCES) Governing Committee, which meets quarterly to address issues and strategies for the NMCES, which was launched in June 2014 by the New Mexico Coalition to End Homelessness (NMCEH). The NMCES has identified and assessed over 51,000 individuals since its inception, using the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), which helps to determine each applicant's acuity, relative need for housing and the type of housing that would be most appropriate to assist their needs. The assessments are done at the NMCEH as well as CoC and ESG-funded agencies, health centers, veteran programs, correctional facilities and during street outreach, including youth-focused projects in northern New Mexico and domestic violence programs statewide. The majority of MFA's RAP and EHAP providers are trained in the use of NM Coordinated Entry System. Ongoing training for new staff members and new agencies will be conducted yearly; domestic violence service providers may elect not to use the NM Coordinated Entry System.

MFA uses ESG funding to support shelter operations, essential services for those residing in shelters, homelessness prevention assistance and rapid rehousing assistance throughout the State. DFA uses CDBG-CV funding to serve number of persons with homelessness prevention assistance. Our goals are to:

- Serve over 6,400 persons with overnight shelter and essential services;
- Serve over 9,000 persons with homelessness prevention assistance; and
- Serve over 2,000 households with homelessness prevention assistance.

Note that goals may be modified upon receipt of allocations as the amount of funding will affect the number of persons that can be served.

Addressing the emergency shelter and transitional housing needs of homeless persons

MFA provides ESG funds for:

- Emergency shelter operating costs;
- Hotel/motel vouchers when shelter beds are unavailable; and
- Eligible essential services to those in shelters, such as case management, childcare, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services and transportation.

NMCEH and MFA are working together to find ways to implement a program of diversion as part of the crisis response system in order to lessen the burden on shelters and help some people avoid homelessness all together. NMCEH and MFA are also working on a plan to more effectively link the crisis response system to the system of permanent housing using coordinated entry.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

MFA provides ESG funds for:

- Rapid re-housing assistance for persons experiencing homelessness, including:
 - Financial assistance with costs such as rental application fees, security deposits, moving costs, utility deposits and payments;
 - Housing search and placement services;

- Case management to assess, arrange, coordinate and monitor delivery of services to facilitate housing stability; and
- Short- to medium-term rental assistance.

NMCEH is working in the three largest communities of Santa Fe, Albuquerque and Las Cruces to use the by-name lists created through coordinated entry along with regular case conferencing meetings to house chronically homeless people as quickly as possible and to determine what changes need to be made in existing programs to shorten or facilitate the time between identification of a chronically homeless household and placement into appropriate housing. NMCEH is working with programs to lower any artificial barriers that lengthen the time it takes to get housed. They use the by-name lists to help communities plan for additional permanent supportive housing to meet the need. For many years NMCEH has been helping programs adopt a housing first approach that serves to keep people housed by avoiding unhelpful evictions from programs. In FY2019 – FY2020, the system-wide average length of time persons were homeless prior to housing move-in was reduced by 50 days (to 123 days) in the Albuquerque metro area and by 11 days (to 133 days) in the balance of State.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

MFA provides ESG funds for:

- Homelessness prevention, including:
 - Financial assistance with costs such as rental application fees, security deposits, moving costs, utility deposits and payments;
 - Housing search and placement services;
 - Case management to assess, arrange, coordinate and monitor delivery of services to facilitate housing stability; and
 - Short- to medium-term rental assistance.

NMCEH works with the State Housing Leadership group, a committee staffed by the New Mexico Human Services Department that includes other state departments. This group looks at what the State response needs to be to meet the housing needs of people with behavioral health diagnoses, people exiting the correctional system, those exiting foster care and others.

Discussion

NMCEH has noted a 25% decrease in the statewide Point in Time count (PIT) between 2011 and 2018. It seems that this is in part due to the efforts being made to expand housing opportunities and to get people into housing more efficiently. The next unsheltered PIT count was scheduled to be conducted in New Mexico in January 2021 and allowing for bi-annual comparability this trend measure will be updated from client counts at that time.

AP-70 HOPWA Goals – 91.320(k)(4)

One year goals for the number of households to be provided housing through the use of HOPWA for:	
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	90
Tenant-based rental assistance	158
Units provided in permanent housing facilities developed, leased, or operated with HOPWA funds	0
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	0
Total	248

Note that goals may be modified upon receipt of allocations as the amount of funding will affect the number of persons that can be served.

AP-75 Barriers to Affordable Housing – 91.320(i)

Introduction

Public policies are meant to address the overall needs of citizens in the State. Yet, there are times where they may have a negative effect on certain aspects of the community, specifically affordable housing and residential investment. Affordable housing and public and private residential investments are key components in furthering fair housing in any community. The primary tool communities have for identifying contributing factors to these barriers to housing is an assessment of fair housing and fair housing choice. In 2020, the State of New Mexico updated the previous 2015 assessment. Analysis from the 2020 update has found:

- The cost of available housing is cited as the most significant barrier experienced or observed according to survey results.
- Analysis in the 2020-2024 Consolidated Plan revealed housing cost exceeds the income of households at 30% and 50% of median income. These cost burdens tended to fall more heavily on renters than homeowners.

The State plans corresponding actions designed to (1) continue to support and expand development of new affordable housing and preservation of existing affordable housing, which include the CDBG, HOME, LIHTC, HTF and other programs, (2) educate community stakeholders about the benefits of affordable housing and (3) attract affordable housing investment in New Mexico. Elements of those actions appear within the Consolidated Plan and beyond. Additionally, the State anticipates a review of public policies that may impede the development of affordable housing and to improve the understanding of their consequences.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

As noted, the State plans corresponding actions designed to (1) continue to support and expand development of new affordable housing and preservation of existing affordable housing, which include the CDBG, HOME, LIHTC, HTF and other programs, (2) educate community stakeholders about the benefits of affordable housing and (3) attract affordable housing investment in New Mexico. Elements of those actions appear within this Consolidated Plan and beyond.

Discussion

Though there are several barriers to affordable housing, the main barrier is the cost and availability of affordable housing units. The State will continue its efforts to expand the development of new affordable housing and preservation of existing affordable housing.

AP-80 Colonias Actions – 91.320(j)

Introduction

A qualified Colonia is a rural community with a population of 25,000 or less located within 150 miles of the US-Mexico border that has been designated as a Colonia by the county or municipality due to:

- Lack of potable water;
- Lack of adequate sewage systems;
- Lack of decent, safe and sanitary housing; and
- Has been in existence as a Colonia prior to November 1990.

Many Colonias in New Mexico are not units of local government. As such, these communities do not have the capacity to apply for and implement funding on their own accord. County and local governments that contain Colonias communities are able to apply for funding that can be directed towards needs in these communities.

DFA will target regular CDBG funds for Colonias communities to help ensure that low-income households have access to adequate infrastructure and services. MFA will continue to apply for CDBG Colonias set-aside funds and leverage those funds with HOME owner-occupied rehabilitation funds and other available funds in order to assist a greater number of households. As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure. County and local governments will be able to apply for funds that will be directed to serve the needs of Colonias.

Actions planned to address obstacles to meeting underserved needs

The greatest obstacle to meeting underserved need in the Colonias is the lack of capacity to apply for and implement funding. In order to meet the needs of Colonias, the State will call upon cities, counties and other eligible entities to assist in aligning and administering funds. These eligible entities will be able to apply for funds that will be directed to serve the needs of Colonias.

Actions the state plans to take to reduce the number of poverty-level families

Colonias communities have a high concentration of low-income households as well as a variety of infrastructure and public service needs. DFA will set aside regular CDBG funds for Colonias to help ensure that low-income households have access to adequate infrastructure and services.

MFA will continue to apply for CDBG Colonias set-aside funds and leverage those funds with HOME owner-occupied rehabilitation funds and other available funds in order to assist a greater number of households. As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure.

Actions the state plans to take to develop the institutional structure

In order to facilitate a system that will meet the needs of the Colonias, the State will work with cities and counties that contain Colonias communities to administer funding. This will develop the responsiveness of the counties to meet the needs of the Colonias.

Specific actions the state plans to take to enhance coordination between public and private housing and social service agencies

MFA will prioritize funding to entities (public, for-profit private and non-profit private) that serve those of lower incomes and coordinate and leverage services and resources.

Discussion

DFA will target 10% of its regular CDBG allocation for Colonias communities to help ensure that low-income households have access to adequate infrastructure and services. MFA will continue to apply for CDBG Colonias set-aside funds and leverage those funds with HOME owner-occupied rehabilitation funds and other available funds in order to assist a greater number of households. As an advisory member to the Colonias Infrastructure Board (CIB), MFA will continue to advise the CIB on best uses for CIB funds to assist Colonias residents in gaining access to housing infrastructure.

AP-85 Other Actions – 91.320(j)

Introduction

The greatest obstacle to meeting underserved needs in New Mexico is the lack of funding. The need is far greater than the supply. The State will continue to seek additional sources of funding to expand the scope of its activities and implement other improvements as described below.

Actions planned to address obstacles to meeting underserved needs

In New Mexico, some communities outside of the metropolitan areas lack service providers to administer a full range of affordable housing and infrastructure improvement programs. Partners often request resources and training to build capacity in addressing local needs. DFA/MFA allocate and prioritize funds for underserved areas. MFA will seek to apply for additional funds, leverage resources when possible, and ensure funds that are available are used efficiently. As part of our program management, MFA and DFA will provide training workshops during the year and technical assistance on a one-to-one basis to organizations working in underserved areas. Additionally, MFA and DFA will use funds, if available, to provide capacity building via training, operational funding and awards of federal funds.

Actions planned to foster and maintain affordable housing

MFA will continue to fund efforts to create and maintain affordable housing through dedicating HOME and HTF funds to rental development, single-family development combined with homeownership assistance and rehabilitation of owner-occupied housing. The State will also develop a program to use Recovery Housing Program funds to provide stable, transitional housing for individuals in recovery from a substance-use disorder.

Actions planned to reduce lead-based paint hazards

MFA and DFA will continue to meet all applicable HUD lead-based paint abatement standards in its CDBG, HOME and HTF rehabilitation programs. Through financing new construction of rental units under its HOME and HTF programs, MFA will continue to expand the stock of lead-safe housing units. MFA will also continue to train its partners throughout the State in the Lead-Safe Housing Rule and encourage sub-grantees and professionals statewide to receive formal training and any applicable lead-based paint certifications; in addition, it will seek funding as it becomes available to provide training, educational awareness and testing and abatement of lead-based paint hazards.

Actions planned to reduce the number of poverty-level families

In creating additional affordable housing options and community development opportunities throughout the State, MFA will be a part of the larger network that supports families on the road to self-sufficiency. The State has a variety of programs available to poverty-level families, and the funds

administered in this Plan will continue to support efforts to create affordable housing, suitable living environments and economic opportunities for those households. MFA will continue to coordinate and collaborate with other Participating Jurisdictions (PJs) to focus our efforts in assisting those with the most need.

Actions planned to develop institutional structure

MFA plans on holding bi-annual housing summits which bring providers across the full housing continuum to include private, public and social service agencies. This summit is the preeminent housing summit in the State and serves as a venue to coordinate and collaborate on housing programs and services. Additionally, MFA regularly holds meetings on its various programs to get feedback on how programs can be improved and to highlight best practices among the providers. Due to the COVID-19 pandemic and state public health orders, MFA will create virtual trainings and outreach to potential service providers.

Actions planned to enhance coordination between public and private housing and social service agencies

As part of its biannual Housing Summit, MFA will bring together both public and private housing and social service agencies to collaborate and participate in workshops together. The 2020 Housing Summit was postponed due to the COVID-19 pandemic and state public health orders. MFA is in the process of creating a virtual conference for the next Housing Summit depending on the stature of the pandemic and state public health orders..

Discussion

Though New Mexico lacks funding to meet all the needs of underserved populations, the State is committed to seeking additional funding and implementing other improvements.

AP-90 Program Specific Requirements – 91.320(k)(1,2,3)

Introduction

In the implementation of programs and activities under the 2021 Action Plan, MFA will follow all HUD regulations concerning the use of program income, forms of investment, overall low- and moderate-income benefit for the CDBG program, recapture requirements for the HOME program, ESG performance standards, HOPWA project goals and HTF evaluation criteria. MFA certifies that it will pursue all resources indicated in this Plan and will not willingly or knowingly hinder the implementation of any planned activities. Grant-specific CDBG, HOME, ESG, HOPWA and HTF requirements are addressed on the following pages.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.320(k)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	\$3,082,664 (CDBG-CV)
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2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 70.00%

Years covered: 2020-2022

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.320(k)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

HOME funding is not being used for any form of investment other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

MFA's recapture and affordability guidelines, revised on March 9, 2016, are included in the Grantee Unique Appendices.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

MFA's recapture and affordability, revised on March 9, 2016, are included in the Grantee Unique Appendices.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

MFA may, at its discretion, use HOME funds for refinancing only when needed in order to permit or continue affordability of rental units when rehabilitation is the primary activity. Rehabilitation expenditures must be at least \$7,100 per unit being rehabilitated, indexed annually for inflation. Such investments are permitted to maintain current affordable units, create additional affordable units, or both. MFA's underwriting standards for an initial investment of HOME funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with market and review of total development costs and

sources available to meet these needs. In addition, MFA will review management practices to demonstrate that disinvestment in the property has not occurred, that the long-term needs of the project can be met and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated. The required period of affordability will be at least fifteen years. HOME funds for this purpose may be used statewide. However, HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG. Any unpaid balance of these loans is due in full at maturity or upon the sale or transfer to an ineligible party.

Emergency Solutions Grant (ESG) Reference 91.320(k)(3)

1. Include written standards for providing ESG assistance (may include as attachment)

MFA's ESG written standards can be found in the Grantee Unique Appendices.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The New Mexico Coalition to End Homelessness (NMCEH) launched a statewide coordinated assessment project, the New Mexico Coordinated Entry System (NMCES), in June 2014 and has identified and assessed over 51,000 individuals since then. The NMCES uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), which helps to determine each applicant's acuity, relative need for housing and the type of housing that would be most appropriate to assist their needs. Assessments are done at the NMCEH as well as CoC- and ESG-funded agencies, health centers, veteran programs, in correctional facilities and during street outreach. The majority of MFA's RAP and EHAP providers are trained in the use of NMCES. Ongoing training for new staff members and new agencies will be conducted yearly; domestic service providers may elect not to use the NMCES.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Regular ESG funds are currently available to subrecipients through a competitive RFP process. Nonprofit 501(c)(3) organizations are eligible to apply. Selected subrecipients are eligible to receive funds for up to 5 years on an annual basis if the renewal criteria are met each year.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services

funded under ESG.

This requirement does not apply to states.

5. Describe performance standards for evaluating ESG.

MFA's performance standards include placement of homeless individuals into permanent housing, services provided, individuals assisted and efficient utilization of funds. General performance standards are being reported, such as the unduplicated number of persons or households prevented from becoming homeless and the unduplicated number of those exiting homeless shelters into permanent housing.

Housing Opportunities for Persons with AIDS (HOPWA) Project Sponsors

HOPWA funding is allocated to project sponsors based upon a competitive Request for Proposals (RFP) including a renewal option. Further, MFA and the City of Albuquerque have signed a Memorandum of Understanding that allows for MFA to administer the City of Albuquerque's HOPWA allocation. MFA issued an RFP for the funding in 2018 for both the City of Albuquerque allocation and the New Mexico non-entitlement allocation, and project sponsors were awarded one-year contracts with the option to renew for two additional years, which will end in 2021. The HOPWA one-year goals are described in AP-20 and AP-70.

The one year goals for program year 2021 include:

- Tenant-based rental assistance / Rapid Rehousing: 90 Households Assisted
- Homelessness Prevention: 158 Households Assisted

Housing Trust Fund (HTF)
Reference 24 CFR 91.320(k)(5)

1. How will the grantee distribute its HTF funds? Select all that apply:

- ☒ Applications submitted by eligible recipients
- ☐ Subgrantees that are State Agencies
- ☐ Subgrantees that are HUD-CPD entitlement grantees

2. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

3. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

4. If distributing HTF funds by selecting applications submitted by eligible recipients:
- a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Eligible recipients include nonprofit entities, for-profit entities, public housing agencies and tribally designated housing entities. Participating recipients must be approved by MFA and must have demonstrated experience and capacity to conduct eligible activities that meet the requirements of 24 CFR 93.200. To be eligible to receive NHTF assistance:

- Applicant must not currently be suspended, debarred or otherwise restricted by any department or agency of the federal government or state government from doing business with such department or agency because of misconduct or alleged misconduct.
- Applicant and all members of the development team (developer, general partner, contractor, management company, consultant(s), architect, attorney and accountant, etc.) of the proposed project must be in good standing with MFA and all other state and federal affordable housing agencies or departments. For example, debarment from HUD, MFA, or other federal housing programs, bankruptcy, criminal indictments or convictions, poor performance on prior MFA or federally-financed projects (for example, late payments within the 18-month period prior to the application deadline, misuse of reserves and/or other project funds, default, fair housing violations, non-compliance (e.g. with the terms of Land Use Restriction Agreements on other projects), or failure to meet development deadlines or documentation requirements) on the part of any proposed development team member or project owner or other principal may result in rejection of an application by MFA.
- If applicant has an audited financial statement, the following types of audit findings may disqualify applicant from funding:
 - Repeat of unresolved audit findings, as determined by MFA;
 - If applicant has received greater than \$750,000 in federal funds during its most recent fiscal year and its single audit did not meet the requirements of 2 CFR 200 Subpart F;
 - For any such single audit, no proof of Federal Audit Clearinghouse submission (FOR SF-SAC);

- If referenced in audit as a separate communication, no submission of management; response letter and management response to concerns noted in the management letter; and
- If any findings, no submission of management response to findings.

b. Describe the grantee's application requirements for eligible recipients to apply for HTF funds. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Entities seeking HTF dollars for eligible projects may submit MFA's Rental Development Project Application to MFA, which is posted on MFA's website.

Subject to fund availability, final funding decisions will be made by MFA's Board of Directors. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in order to be considered at that meeting. Meetings of the MFA Board of Directors are generally held every third Wednesday of the month. All applications submitted by the deadline for a particular meeting of the MFA Board of Directors will be treated as one funding round and evaluated concurrently. If sufficient funds are not available to fund all projects in a funding round that meets the requirements outlined in this NOFA, the project receiving the highest score will be recommended to the Board for approval, followed by the next highest scoring project, etc. until the remaining funds are no longer sufficient to fulfill the next highest scoring project's requested loan amount.

At a minimum, applications will require information on the following:

- Applicant's development capacity and experience
- Applicant's financial condition
- Capacity and experience of all other members of the development team
- Development cost budget
- Proposed sources of financing
- Unit mix and projected rents
- Operating cost budget
- Cash flow projection
- Narrative description of the project
- Architectural plans

c. Describe the selection criteria that the grantee will use to select applications submitted by eligible recipients. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

All projects must meet the following threshold criteria:

- HTF-assisted units must provide permanent rental housing for ELI families

- HTF-assisted units must remain affordable to ELI families for at least 30 years
- The applicant must certify that HTF-assisted units will comply with all HTF requirements
- The project must be financially feasible
- HTF-assisted rehabilitation projects must comply with the rehabilitation standards found in the 2020 HTF Allocation Plan in the Grantee Unique Appendices.
- The project must include at least four (4) rental units.

All projects that meet the threshold criteria will be evaluated according to the following criteria:

Scoring Criteria	Priority
Geographic diversity <i>No other Low Income Housing Tax Credit, public housing, or federally-subsidized housing projects within:</i> <ul style="list-style-type: none"> • ¼ mile radius • ½ mile radius 	Low
Duration of the affordability period beyond the required 30 years <i>Projects committed to an additional five or more years</i>	Low
Organization type <i>Developer/general partner is a New Mexico nonprofit organization, a Tribal Designated Housing Entity (TDHE), or a public housing authority</i>	Low
Absence of pre-existing project-based rental assistance <i>Projects without project-based rental assistance or projects that have or will have project-based rental assistance covering less than or equal to 25% of the total units</i>	Low
Transit-oriented development <i>Projects within ½-mile radius of public transportation Public transportation must be established and provided on a fixed route with scheduled service. Alternative forms of transportation may be acceptable, provided sufficient documentation is submitted that establishes the alternative form of transportation is acceptable to MFA. A future promise to provide service does not satisfy this scoring criterion.</i>	Medium
Rural location <i>Projects located in cities with populations of 50,000 or less (per latest U.S. Census)</i>	Medium
Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market-rate units	Medium
Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner <i>Projects that have</i> <ul style="list-style-type: none"> (1) evidence of site control (2) evidence that the current zoning of the proposed site does not prohibit multifamily housing (3) evidence of all other non-MFA funding sources <ul style="list-style-type: none"> a.) letters of interest from all other non-MFA funding b.) commitment letters from all other non-MFA funding sources 	High
Use of state, local and private funding sources <i>Projects that have funding sources outside of federal funding sources, Low Income Housing Tax Credits, bond financing and MFA funding sources</i>	High
Extent to which the project provides permanent supportive housing	High

d. Describe the grantee's required priority for funding based on geographic diversity (as defined by the grantee in the Consolidated Plan). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Points within this scoring criterion are given based on the project's distance from another Low Income Housing Tax Credit, public housing, or federally-subsidized housing project. This scoring criterion falls within the Low Priority category.

e. Describe the grantee's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner is awarded points based on the following criteria:

- (1) Evidence of site control
- (2) Evidence that the current zoning of the proposed site does not prohibit multifamily housing
- (3) Evidence of all other non-MFA funding sources, such as:
 - a. Letters of interest from all other non-MFA funding
 - b. Commitment letters from all other non-MFA funding sources

This scoring criterion falls within the High Priority category.

f. Describe the grantee's required priority for funding based on the extent to which the rental project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants are awarded points for projects that either do not have project-based rental assistance or projects that have or will have project-based rental assistance cover less than or equal to 25 percent of the total units. This scoring criterion falls within the Low Priority category.

g. Describe the grantee's required priority for funding based on the financial feasibility of the project beyond the required 30-year period. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants are awarded points if the duration of the affordability period beyond the required 30 years is an additional five (5) years or more. This scoring criterion falls within the Low Priority category.

h. Describe the grantee's required priority for funding based on the merits of the application in meeting the priority housing needs of the grantee (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that

serves special needs populations). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

One of the State's priority housing needs, as described in SP-25, is to preserve and develop affordable housing. Applications selected to receive HTF funding will meet this priority housing need and will specifically fulfill the State's goal, associated with that priority need, of developing housing for vulnerable populations.

13. Describe the grantee's required priority for funding based on the extent to which the application makes use of non-federal funding sources. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applicants whose projects have funding sources outside of federal funding sources, Low Income Housing Tax Credits, bond financing and MFA funding sources are awarded points.

5. Does the grantee's application require the applicant to include a description of the eligible activities to be conducted with HTF funds? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

☒ Yes ☐ No ☐ N/A

6. Does the grantee's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

☒ Yes ☐ No ☐ N/A

7. Performance Goals and Benchmarks. The grantee has met the requirement to provide for performance goals and benchmarks against which the grantee will measure its progress, consistent with the grantee's goals established under 24 CFR 91.315(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

☒ Yes ☐ No ☐ N/A

- 8. Maximum Per-unit Development Subsidy Amount for Housing Assisted with HTF Funds.** Enter or attach the grantee's maximum per-unit development subsidy limits for housing assisted with HTF funds.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts and/or

Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

MFA will use the maximum per-unit subsidy limits for HUD's HOME program in effect at the time of commitment of HTF funds.

MFA examined the development cost budgets of recent MFA-funded projects and determined that all were well within these subsidy limits, and that these limits would allow cost premiums that may be necessary in developing housing for certain ELI populations.

9. Rehabilitation Standards. The grantee must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The grantee's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The grantee must attach its rehabilitation standards below.

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

See attached *HTF Allocation Plan* in the Grantee Unique Appendices for the HTF rehabilitation standards.

10. Resale or Recapture Guidelines. Below, the grantee must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

11. HTF Affordable Homeownership Limits. If the grantee intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

12. Grantee Limited Beneficiaries or Preferences. Describe how the grantee will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve unmet needs identified in its Consolidated Plan or Annual Action Plan. If the grantee will not limit

the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter “N/A.”

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the grantee must not limit or give preferences to students. The grantee may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3) only if such limitation or preference is described in the action plan.

HTF applicants are permitted to limit occupancy to or provide preference to the following populations in accordance with 24 CFR 93.303(d):

- Households or individuals experiencing homelessness;
- Individuals with disabilities;
- Individuals with severe mental illnesses;
- Individuals with alcohol or other addictions;
- Individuals with HIV/AIDS;
- Victims of domestic violence;
- Senior housing;
- Veterans;
- Individuals on public housing waiting lists;
- Youth transitioning out of foster care; and
- Ex-offenders

While not required to limit occupancy or provide preference to the populations described above, owners of HTF-assisted projects who do must do so in accordance with 24 CFR 93.303(d). The intent is merely to allow owners of HTF-assisted projects to limit occupancy to or provide preference to populations identified within this section as well as the priority housing needs identified in the New Mexico Consolidated Plan. Any limitation or preference must not violate nondiscrimination requirements. Federal fair housing requirements, including the duty to affirmatively further fair housing, are applicable to the HTF program. A limitation does not violate nondiscrimination requirements if the project also receives funding from a federal program that limits eligibility to a particular segment of the population (e.g. Housing Opportunity for Persons Living with AIDS program, the Section 202 and Section 811 programs) or the Housing for Older Persons Act.

13. Refinancing of Existing Debt. Enter or attach the grantee’s refinancing guidelines below. The guidelines describe the conditions under which the grantee will refinance existing debt. The grantee’s refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the grantee will not refinance existing debt, enter “N/A.”

MFA may, at its discretion, use HTF funds for refinancing only when needed in order to permit or continue affordability of rental units when (1) rehabilitation is the primary activity, (2) the use of HTF funds is proportional to the number of HTF-assisted units in the project, and (3) the rehabilitation cost attributable to the HTF units is greater than the amount of debt to be refinanced that is attributed to the HTF units. To ensure that refinancing of existing debt with HTF funds meets the requirements of 24 CFR 93.201(b)(1), the rehabilitation cost proportional to the number of HTF-assisted units in the rental project must be greater than the amount of refinanced debt proportional to the number of HTF-assisted units. Rehabilitation expenditures must be at least \$7,100 per unit being rehabilitated, indexed annually for inflation. MFA's minimum affordability period and underwriting standards for an initial investment of HTF funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with the market and review of total development costs and sources available to meet these needs. HTF funds for this purpose may be used statewide.

Discussion:

Please see the 2020 HTF Allocation Plan in the Grantee Unique Appendices.

Data Sources

1	Data Source Name 2012-2016 ACS 5-Yr Estimates
	List the name of the organization or individual who originated the data set. US Census Bureau

	<p>Provide a brief summary of the data set.</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year -- giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.</p> <p>What was the purpose for developing this data set?</p> <p>Information from the ACS helps determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p> <p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p> <p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2012-2016 ACS 5-Year Estimates</p> <p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
2	<p>Data Source Name</p> <p>2011-2015 CHAS</p> <p>List the name of the organization or individual who originated the data set.</p> <p>US Census Bureau, American Community Survey (ACS) and U.S. Department of Housing and Urban Development (HUD)</p>

	<p>Provide a brief summary of the data set.</p> <p>Each year, the U.S. Department of Housing and Urban Development (HUD) receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. These data, known as the “CHAS” data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households.</p>
	<p>What was the purpose for developing this data set?</p> <p>The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2011-2015 CHAS</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
3	<p>Data Source Name</p> <p>2000 Census, 2012-2016 ACS</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Census Bureau</p>

	<p>Provide a brief summary of the data set.</p> <p>The US Census 2000 contains detailed tables presenting data for the United States, 50 states, the District of Columbia and Puerto Rico focusing on age, sex, households, families, and housing units. These tables provide in-depth figures by race and ethnicity.</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year – giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.</p> <hr/> <p>What was the purpose for developing this data set?</p> <p>Census information affects the numbers of seats a state occupies in the U.S. House of Representatives. An accurate count of residents can also benefit the community. The information the census collects helps to determine how more than \$400 billion dollars of federal funding each year is spent on infrastructure and services. Among other things, Census data is used to advocate for causes, rescue disaster victims, prevent diseases, research markets, locate pools of skilled workers and more.</p> <p>ACS: Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p> <hr/> <p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p> <hr/> <p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2000 Census</p> <p>2012-2016 ACS 5-Year Estimates</p> <hr/> <p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
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4	Data Source Name 2011-2015 ACS (Workers), 2015 LEHD (Jobs)
	List the name of the organization or individual who originated the data set. 2011-2015 ACS and 2015 Longitudinal Employee-Household Dynamics: United States Census Bureau
	Provide a brief summary of the data set. <p>The American Community Survey (ACS) is an ongoing survey that provides data every year -- giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the American FactFinder website, which provides data about the United States, Puerto Rico and the Island Areas.</p> <p>The Longitudinal Employer-Household Dynamics (LEHD) program is part of the Center for Economic Studies at the U.S. Census Bureau. The LEHD program produces new, cost effective, public-use information combining federal, state and Census Bureau data on employers and employees under the Local Employment Dynamics (LED) Partnership.</p>
	What was the purpose for developing this data set? <p>ACS: Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p> <p>LEHD: Information from the LEHD helps state and local authorities who increasingly need detailed local information about their economies to make informed decisions. The LEHD Partnership works to fill critical data gaps and provide indicators needed by state and local authorities. LEHD's mission is to provide new dynamic information on workers, employers, and jobs with state-of-the-art confidentiality protections and no additional data collection burden.</p>
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? The State of New Mexico

	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2011-2015 ACS (Workers), 2015 LEHD (Jobs)</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
5	<p>Data Source Name</p> <p>2018 CoC PIT</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>The City of Albuquerque CoC and the Balance of State CoC.</p>
	<p>Provide a brief summary of the data set.</p> <p>The Point-in-Time (PIT) count is data on the number of sheltered and unsheltered people and their characteristics experiencing homelessness on a given night as reported by the Continuums of Care.</p>
	<p>What was the purpose for developing this data set?</p> <p>To identify the number and characteristics of homeless individuals and families on a given night in the state to assess the available resources and inform the CoCs of program needs.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico is covered by the City of Albuquerque CoC and the Balance of State CoC.</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>January 2018</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>

6	Data Source Name NM HIV Surveillance & Epidemiology Program, 2016 Annual Report
	List the name of the organization or individual who originated the data set. New Mexico Department of Health
	Provide a brief summary of the data set. The New Mexico Department of Health's HIV Surveillance & Epidemiology Program collects, analyzes, and disseminates surveillance data on HIV infection in New Mexico. This data is collected into an HIV surveillance annual report and includes HIV infection population counts, characteristics, regional impacts and yearly trends.
	What was the purpose for developing this data set? The annual surveillance report summarizes information about diagnosed HIV infections of which this information is used by the New Mexico Department of Health's partners including other agencies, health departments, nonprofits, academic institutions and healthcare providers to help optimize efforts, plan services, allocate resources, develop policy and monitor trends in HIV infection.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? The State of New Mexico
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2016
	What is the status of the data set (complete, in progress, or planned)? Complete
7	Data Source Name 2018 HOPWA CAPER

	<p>List the name of the organization or individual who originated the data set.</p> <p>MFA Community Development Department</p>
	<p>Provide a brief summary of the data set.</p> <p>The 2018 HOPWA CAPER is an annual report providing program accomplishments for serving persons with HIV/AIDS and is part of the 2018 Consolidated Annual Performance and Evaluation Report that is submitted to HUD 90 days following the end of the program year. The HOPWA CAPER provides beneficiary counts and demographic and economic characteristics.</p>
	<p>What was the purpose for developing this data set?</p> <p>The 2018 HOPWA CAPER provides annual information on program accomplishments that supports program evaluation and the ability to measure program beneficiary outcomes as related to maintaining housing stability, prevent homelessness and improve access to care and support for persons with HIV/AIDS.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2018</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
8	<p>Data Source Name</p> <p>HUD 2019 Fair Market Rents (FMR)</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Department of Housing and Urban Development (HUD)</p>

	<p>Provide a brief summary of the data set.</p> <p>Fair Market Rents (FMRs) are set by HUD and used to determine payment standard amounts for HUD Programs. HUD annually estimates FMRs for Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas and each nonmetropolitan county. FMRs are displayed for efficiency (studio), 1-bedroom, 2-bedroom, 3-bedroom and 4-bedroom units by local counties as there is no statewide FMR.</p>
	<p>What was the purpose for developing this data set?</p> <p>Fair Market Rents (FMRs) are set by HUD and used to determine payment standard amounts for HUD Programs such as HOME.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2019</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
9	<p>Data Source Name</p> <p>HUD 2018 CoC Homeless Assistance Programs, Housing Inventory Count Report</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>This data is provided to HUD by the two CoCs in New Mexico: Albuquerque CoC and the New Mexico Balance of State CoC.</p>
	<p>Provide a brief summary of the data set.</p> <p>The CoC Homeless Assistance Programs, Housing Inventory Count (HIC) Report is a count of all the emergency shelter beds, transitional housing beds and permanent supportive housing beds in the state.</p>

	<p>What was the purpose for developing this data set?</p> <p>HIC counts provide a snapshot of the homeless housing inventory in the state. The HIC reports from each CoC tally the number of beds and units available on the night designated for the count by program type, and include beds dedicated to serve persons who are homeless as well as persons in Permanent Supportive Housing.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The State of New Mexico</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2018</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>

GRANTEE UNIQUE APPENDICES

Part A: Notice of Public Hearings

Part B: Publication Certifications *(to be provided when available)*

Part C: SF424s and State Certifications *(to be provided when available)*

Part D: HOME Recapture/Affordability Guidelines

Part E: Housing Trust Fund Allocation Plan and Design Standards

Part F: ESG Written Standards

PART A

**NOTICE OF PUBLIC HEARING #1
FOR THE 2021 ANNUAL ACTION PLAN**

The New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on community needs related to the 2021 Annual Action Plan. The 2021 Annual Action Plan is the second annual implementation plan under the State of New Mexico 2020-2024 Consolidated Plan for Housing and Community Development. The Consolidated Plan is a five-year strategic plan that governs the administration of federal funding appropriated for housing and community development activities that benefit low- and moderate- income persons throughout the State of New Mexico.

Such federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) and the Housing Trust Fund (HTF). The Consolidated Plan analyzes data and information supplied by residents and stakeholders to determine the short- and long-term needs in the state and provides a strategy for the investment of these federal funds. Based off 2020 state allocations, the state of New Mexico estimates receiving a total of \$11.6 million in CDBG funds, \$5.2 million in HOME funds, \$1.2 million in ESG funds, \$1 million in HOPWA funds and \$3 million in HTF funds for the 2021 Annual Action Plan beginning January 1, 2021 and ending December 31, 2021. These funds may be used for activities including but not limited to public facilities and infrastructure improvements, affordable housing development and preservation, economic development, homelessness prevention and rapid rehousing and program administration. The 2021 Annual Action Plan outlines one-year goals for approximately \$22 million of the federal funding, through the five federal programs listed. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and the CDBG program is administered by DFA.

Citizens, interested agencies, and for-profit and nonprofit organizations may attend a public hearing via webcast at <http://www.housingnm.org/resources/new-mexico-annual-action-plan> to provide comments on community needs for the 2021 Annual Action Plan on February 9, 2021 at 12:30pm.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Dimitri Florez by phone: (505) 843-6880 or toll free 1-800-444-6880; fax: (505) 243-3289; e-mail: dflorez@housingnm.org; TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

Accommodations can be made within 48 hours' notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880. All facilities are wheelchair accessible.

The Needs Assessment and Market Analysis from the Consolidated Plan are available on MFA's website at:

<http://www.housingnm.org/resources/new-mexico-annual-action-plan>

and at DFA's website at:

http://www.nmdfa.state.nm.us/Local_Government.aspx

If you are unable to download the Needs Assessment and Market Analysis, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). A reasonable number of printed copies are also available at no charge at MFA's office at 344 4th Street SW, Albuquerque, NM 87102 and at DFA's office at 407 Galisteo Street, Santa Fe, NM 87501. Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

**AVISO DE AUDIENCIA PÚBLICA Nº 1
PARA EL PLAN DE ACCIÓN ANUAL 2021 DE NUEVO MEXICO**

La Autoridad Financiera Hipotecaria de Nuevo México (MFA por sus siglas en inglés) y el Departamento de Finanzas y Administración, División Local Gubernamental (DFA por sus siglas en inglés) están solicitando comentarios del público sobre necesidades de la comunidad relacionadas con el Plan Anual de Acción 2021 del Estado de Nuevo Mexico. . El Plan Anual de Acción 2021 es el segundo plan anual de implementación bajo el Plan Consolidado para la Vivienda y el Desarrollo Urbano 2020-2024 del Estado de Nuevo México. El Plan Consolidado es un plan estratégico de cinco años que regula la administración de fondos federales asignados a actividades para el desarrollo de la vivienda y la comunidad que benefician a personas de ingresos bajos y moderados a través de todo el estado de Nuevo México

Tal financiamiento federal incluye los siguientes programas: Colaboraciones para Invertir en Casas (HOME por sus siglas en inglés), Subvención en Bloque para el Desarrollo de la Comunidad (CDBG por sus siglas en inglés), Subvención para Soluciones de Urgencia (ESG por sus siglas en inglés), Oportunidades de Vivienda para Personas con SIDA (HOPWA por sus siglas en inglés) y Fondo Fiduciario para la Vivienda (HTF por sus siglas en inglés). El Plan Consolidado analiza datos e información suministrados por residentes y partes interesadas para determinar las necesidades a corto y largo plazo de la comunidad y proporciona una estrategia para la inversión de estos fondos federales. Basado en las asignaciones de 2020 el estado de Nuevo Mexico estima recibir un total de \$11.6 millones de fondos de CDBG, \$5.2 millones de fondos de HOME, \$1.2 millones de fondos de ESG, \$1 millones de fondos de HOPWA y \$3 millones de fondos de HTF comenzando el 1 de enero de 2021 y terminando el 31 de diciembre de 2021. Estos fondos pueden ser utilizados para actividades incluyendo pero no limitadas a instalaciones públicas y mejoramiento de infraestructura, desarrollo de vivienda asequible y preservación, desarrollo económico, prevención de personas con carencia de vivienda y rápido realojamiento y administración de programas. El Plan de Acción Anual 2021 describe las metas de un año para aproximadamente \$22 millones de la financiación federal, a través de los cinco programas federales mencionados aquí. Los programas HOME, ESG, HOPWA y HTF son administrados por la MFA, y el programa CDBG es administrado por la DFA.

Ciudadanos, agencias interesadas y organizaciones con fines de lucro y sin fines de lucro pueden asistir a la audiencia pública en la localidad abajo o a través de webcast en <http://www.housingnm.org/resources/new-mexico-annual-action-plan> para proporcionar comentarios sobre necesidades de la comunidad relacionadas con el Plan Anual de Acción 2021 el 9 de febrero de 2021 a las 12:30 pm.

Si usted tiene una discapacidad y necesita un lector, un amplificador, un intérprete calificado de la lengua de señas, u otro tipo de ayuda o servicio, haga el favor de ponerse en contacto con Dimitri Florez por teléfono: (505) 843-6880 o sin cargo 1-800-444-6880; por fax: (505) 243-3289; por correo electrónico: dflorez@housingnm.org; TTY: 1-800-659-8331 para ingles y 1-800-327-1857 para espanol; o por correo: New Mexico Mortgage Finance Authority, 344 Fourth St., SW, Albuquerque, NM 87102.

Se podrá hacer arreglos con 48 horas de notificación anterior para participantes que no hablen inglés y personas con discapacidades llamando al 505-843-6880. Todas las instalaciones son accesibles para silla de ruedas.

La Evaluación de Necesidades y el Análisis de Mercado desde el Plan Consolidado están disponibles en el sitio web de MFA en:

<http://www.housingnm.org/resources/new-mexico-annual-action-plan>

y en el sitio web de DFA en:

http://www.nmdfa.state.nm.us/Local_Government.aspx

Si usted no puede descargar la Evaluación de Necesidades y el Análisis de Mercado, favor de ponerse en contacto con MFA para pedir una copia (505-843-6880 o sin cargo 1-800-444-6880). Un número razonable de copias impresas también están disponibles sin cargo en la oficina de MFA en 344 4th Street SW, Albuquerque, NM 87102 y en la oficina de DFA en 407 Galisteo Street, Santa Fe, NM 87501. Además, con previa solicitud los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se puede traducir al español para personas que hablan español con dominio limitado del inglés (LEP).

**NOTICE OF PUBLIC HEARING #2 AND 30-DAY PUBLIC COMMENT PERIOD
FOR THE DRAFT NEW MEXICO 2021 ANNUAL ACTION PLAN**

The New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the DRAFT State of New Mexico 2021 Annual Action Plan. A thirty-day public comment period will begin on March 14, 2021 and end on April 13, 2021 and a public hearing on the draft will be held on March 25, 2021. The 2021 Annual Action Plan is the second annual implementation plan under the State of New Mexico 2020-2024 Consolidated Plan for Housing and Community Development. The Consolidated Plan is a five-year strategic plan that governs the administration of federal funding appropriated for housing and community development activities that benefit low- and moderate-income persons throughout the State of New Mexico.

Such federal funding includes the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) and the Housing Trust Fund (HTF). The Consolidated Plan analyzes data and information supplied by residents and stakeholders to determine the short- and long-term needs in the state and provides a strategy for the investment of these federal funds. The state of New Mexico received a total of \$11.8 million in CDBG funds, \$5.2 million in HOME funds, \$1.2 million in ESG funds, \$1 million in HOPWA funds and an estimated \$3 million in HTF funds for the 2021 Annual Action Plan beginning January 1, 2021 and ending December 31, 2021. The HTF estimated allocation is based off the 2020 state allocation and will be updated when the State receives the final allocation. These funds may be used for activities including but not limited to public facilities and infrastructure improvements, affordable housing development and preservation, economic development, homelessness prevention and rapid rehousing and program administration. The 2021 Annual Action Plan outlines one-year goals for approximately \$22.2 million of the federal funding, through the five federal programs listed. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and the CDBG program is administered by DFA.

The draft 2021 Annual Action Plan will be available on March 12, 2021 at MFA's website at:

<http://www.housingnm.org/resources/new-mexico-annual-action-plan>

and at DFA's website at:

http://www.nmdfa.state.nm.us/Local_Government.aspx.

If you are unable to download the draft Action Plan, please contact MFA to request a copy (505-843-6880 or toll free 1-800-444-6880). A reasonable number of printed copies are also available at no charge at MFA's office at 344 4th Street SW, Albuquerque, NM 87102 and at DFA's office at 407 Galisteo Street, Santa Fe, NM 87501. Additionally, the documents can be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may also be translated into Spanish for Limited English Proficient (LEP) Spanish speaking persons, upon request.

Citizens, interested agencies, and for-profit and nonprofit organizations may attend a public hearing via webcast at <http://www.housingnm.org/resources/new-mexico-annual-action-plan> to provide comments on the draft 2021 Action Plan on March 25, 2021 at 9:30am.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, please contact Dimitri Florez by phone: (505) 843-6880 or toll free 1-800-444-6880; fax: (505) 243-3289; e-mail: dflorez@housingnm.org; TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102.

Accommodations can be made within 48 hours' notice for non-English speaking participants and individuals with disabilities by calling 505-843-6880. All facilities are wheelchair accessible.

Citizens, interested agencies, and for-profit and nonprofit organizations may provide comments at any time during the thirty-day public comment period, which will begin on March 14, 2021 and end at 11:59 p.m. MDT, April 13, 2021. Written comments and/or questions may be directed to Dimitri Florez by phone: (505) 843-6880 or toll free 1-800-444-6880; fax: (505) 243-3289; e-mail: dflorez@housingnm.org; or mail: New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. After receipt of public comments, MFA staff will prepare a summary of all comments received in writing and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the 2021 Action Plan.

HTF final funding levels and goals described in the final 2021 Action Plan submitted to HUD may differ from the estimated HTF funding levels and goals listed in the draft, which are based on estimates of the 2020 HTF grant awarded by HUD. HTF funding levels and goals will be adjusted proportionally to account for any increase or decrease in funding availability. The final 2021 Action Plan approved by HUD will include final funding levels and goals and will be available on MFA's website at <http://www.housingnm.org/resources/new-mexico-annual-action-plan> and at DFA's website at http://www.nmdfa.state.nm.us/Local_Government.aspx.

**AVISO DE AUDIENCIA PÚBLICA Nº 2
PARA EL PLAN DE ACCIÓN ANUAL 2021 DE NUEVO MEXICO**

La Autoridad Financiera Hipotecaria de Nuevo México (MFA por sus siglas en inglés) y el Departamento de Finanzas y Administración, División Local Gubernamental (DFA por sus siglas en inglés) están solicitando comentarios del público sobre el Plan Anual de Acción 2021 del Estado de Nuevo Mexico. Un período de 30 días para comentarios públicos comenzará el 14 de marzo de 2021 y terminará el 13 de abril de 2021, y habrá una audiencia pública el 25 de marzo de 2021. El Plan Anual de Acción 2021 es el segundo plan anual de implementación bajo el Plan Consolidado para la Vivienda y el Desarrollo Urbano 2020-2024 del Estado de Nuevo México. El Plan Consolidado es un plan estratégico de cinco años que regula la administración de fondos federales asignados a actividades para el desarrollo de la vivienda y la comunidad que benefician a personas de ingresos bajos y moderados a través de todo el estado de Nuevo México.

Tal financiamiento federal incluye los siguientes programas: Colaboraciones para Invertir en Casas (HOME por sus siglas en inglés), Subvención en Bloque para el Desarrollo de la Comunidad (CDBG por sus siglas en inglés), Subvención para Soluciones de Urgencia (ESG por sus siglas en inglés), Oportunidades de Vivienda para Personas con SIDA (HOPWA por sus siglas en inglés) y Fondo Fiduciario para la Vivienda (HTF por sus siglas en inglés). El Plan Consolidado analiza datos e información suministrados por residentes y partes interesadas para determinar las necesidades a corto y largo plazo de la comunidad y proporciona una estrategia para la inversión de estos fondos federales. El estado de Nuevo México recibió un total de \$ 11.8 millones en fondos CDBG, \$ 5.2 millones en fondos HOME, \$ 1.2 millones en fondos ESG, \$ 1 millón en fondos HOPWA y un estimado de \$ 3 millones en fondos HTF para el Plan de Acción Anual 2021 a partir del 1 de enero. 2021 y hasta el 31 de diciembre de 2021. La asignación estimada de HTF se basa en la asignación estatal de 2020 y se actualizará cuando el estado reciba la asignación final. Estos fondos pueden ser utilizados para actividades incluyendo pero no limitadas a instalaciones públicas y mejoramiento de infraestructura, desarrollo de vivienda asequible y preservación, desarrollo económico, prevención de personas con carencia de vivienda y rápido realojamiento y administración de programas. El Plan de Acción Anual 2021 describe las metas de un año para aproximadamente \$22.2 millones de la financiación federal, a través de los cinco programas federales mencionados aquí. Los programas HOME, ESG, HOPWA y HTF son administrados por la MFA, y el programa CDBG es administrado por la DFA.

El Plan Anual de Acción 2021 estará disponible el 12 de marzo de 2021 en el sitio web de MFA en:

<http://www.housingnm.org/resources/new-mexico-annual-action-plan>

y en el sitio web de DFA en:

http://www.nmdfa.state.nm.us/Local_Government.aspx

Si usted no puede descargar el Plan Anual de Acción 2021, favor de ponerse en contacto con MFA para pedir una copia (505-843-6880 o sin cargo 1-800-444-6880). Un número razonable de copias impresas también están disponibles sin cargo en la oficina de MFA en 344 4th Street SW, Albuquerque, NM 87102 y en la oficina de DFA en 407 Galisteo Street, Santa Fe, NM 87501. Además, con previa solicitud los documentos se pueden proporcionar en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y también se puede traducir al español para personas que hablan español con dominio limitado del inglés (LEP).

Ciudadanos, agencias interesadas y organizaciones con fines de lucro y sin fines de lucro pueden asistir través de webcast en <http://www.housingnm.org/resources/new-mexico-annual-action-plan> para proporcionar comentarios sobre el Plan Anual de Acción 2021 el 25 de marzo de 2021 a las 9:30am.

Si usted tiene una discapacidad y necesita un lector, un amplificador, un intérprete calificado de la lengua de señas, u otro tipo de ayuda o servicio, haga el favor de ponerse en contacto con Dimitri Florez por teléfono: (505) 843-6880 o sin cargo 1-800-444-6880; por fax: (505) 243-3289; por correo electrónico: dflorez@housingnm.org; TTY: 1-800-659-8331 para ingles y 1-800-327-1857 para espanol; o por correo: New Mexico Mortgage Finance Authority, 344 Fourth St., SW, Albuquerque, NM 87102.

Se podrá hacer arreglos con 48 horas de notificación anterior para participantes que no hablen inglés y personas con discapacidades llamando al 505-843-6880. Todas las instalaciones son accesibles para silla de ruedas.

Ciudadanos, agencias interesadas, y organizaciones con y sin fines de lucro pueden presentar comentarios durante el plazo de treinta días para comentarios del público, que empieza el 14 de marzo de 2021 y terminará a las 11:59 de la tarde MDT el 13 de abril de 2021. Comentarios escritos y/o preguntas pueden ser enviados a Dimitri Florez por teléfono: (505) 843-6880 o sin cargo 1-800-444-6880; por fax: (505) 243-3289; por correo electrónico: dflorez@housingnm.org; o por correo: New Mexico Mortgage Finance Authority, 344 Fourth St., SW, Albuquerque, NM 87102. Después de recibir los comentarios públicos, el personal de la MFA preparará un resumen de todos los comentarios recibidos en forma escrita, y en el caso en el cual el comentario de un ciudadano no sea aceptado, se proveerá motivos para la decisión. Esta documentación se anexará al Plan de Acción Anual 2021.

Los niveles y objetivos finales de financiación de HTF descritos en el Plan de acción final 2021 presentado a HUD pueden diferir de los niveles de financiación y objetivos estimados de HTF enumerados en el borrador, que se basan en estimaciones de la subvención HTF 2020 otorgada por HUD. Los niveles y objetivos de financiación de HTF se ajustarán proporcionalmente para tener en cuenta cualquier aumento o disminución en la disponibilidad de financiación. El plan de acción final de 2021 aprobado por HUD incluirá los niveles de financiación y las metas finales y estará disponible en el sitio web de MFA en <http://www.housingnm.org/resources/new-mexico-annual-action-plan> y en el sitio web de DFA en: http://www.nmdfa.state.nm.us/Local_Government.aspx.

PART B

PART C

PART D

PART D

MFA RECAPTURE/AFFORDABILITY GUIDELINES

When necessary, MFA will require repayment of the outstanding amount of HOME funds in the event of noncompliance with HOME affordability requirements. Noncompliance occurs when, if at any time during the period of affordability: 1) the original HOME-assisted homebuyer fails to occupy the unit as the principal residence (i.e., the unit is rented or vacant), or 2) the home is sold and the recapture provisions are not enforced. Affordability is ensured through the recordation of restrictive covenants accompanied by a lien filed on the property.

Maintaining Affordability

In general, all HOME activities require the borrower or beneficiary to execute, at a minimum, a Restrictive Covenants Agreement or Tribal Land Award Agreement. Loans are due upon sale or transfer of the property, with some exceptions in owner-occupied rehabilitation. In the case of the DPA program, mortgage liens are placed in second position behind MFA's first-time homebuyer mortgage backed security (MBS) program loans. In MFA's Owner-Occupied Rehabilitation program, these liens can assume a variety of positions, including first. Finally, in the case of MFA's Rental New Construction and Rehabilitation programs, a Land Use Restriction Agreement is executed along with the note and mortgage to ensure long term compliance with HUD guidelines. All guidelines under which repayment must be made are spelled out in the note, mortgage and/or restrictive covenant documents, depending upon the activity.

MFA ensures long-term affordability of assisted properties as follows:

For homebuyer properties, MFA has chosen the recapture provision over the resale option as discussed in HOME regulations at 24 CFR 92.254(a)(5). This is discussed in more detail in the following subsection.

For Rental Projects, the length of the affordability period is based on the amount of HOME funds invested in the property, as well as on the nature of the activity funded.

RENTAL Activity	Average Per-Unit HOME	Minimum Affordability Period
Rehabilitation or Acquisition of Existing Housing	<\$15,000 15,000 - \$40,000 >\$40,000	5 years 10 years 15 years
Refinance of Rehabilitation Project	Any dollar amount	15 years
New Construction or Acquisition of New Housing	Any dollar amount	20 years

In the case of foreclosure on the property during the period of affordability, MFA files an answer and monitors the foreclosure. If there are any excess funds at the foreclosure sale, MFA will file a claim for those funds. This demonstrates that MFA has made every effort to recover the HOME funds on behalf of HUD. For all homeowner activities, recapture provisions must be limited to net proceeds, and MFA's repayment obligation is limited to the amount of the HOME subsidy, if any, that it is able to recover. For rental activities, per §92.252(e)(4), the termination of the restrictions on the project does not terminate the participating jurisdiction's repayment obligation under §92.503(b). However, in §92.252(e)(2), though, "the participating jurisdiction may use purchase options, rights of first refusal or other preemptive rights to purchase the housing before foreclosure or deed in lieu of foreclosure in order to preserve affordability." After the period of affordability, MFA files a disclaimer to the property.

In the case of a bankruptcy during the period of affordability, MFA files an answer and proof of claim on the property thus establishing MFA's interest in the property. After the period of affordability, a disclaimer is filed.

Recapture guidelines:

Under the Down Payment Assistance Program, homebuyer projects are subject to a Note and Mortgage with a recapture provision. The length of the affordability period is based on the amount of HOME funds provided as a direct subsidy to the homebuyer, as shown in the table below.

Amount of HOME Subsidy to the Buyer	Minimum Affordability Period
<\$15,000	5 years
15,000 - \$40,000	10 years
>\$40,000	15 years

A direct subsidy is funding that makes a home more affordable to a homebuyer, and includes down payment and closing cost assistance as well as the difference between fair market value and the sale price, or the amount of a soft second mortgage that makes the home affordable to the buyer.

The borrower executes notes and mortgages for these loans as well as a HOME written agreement (i.e. MFA Disclosure to Buyer). The HOME-assisted homebuyer may sell the unit to any person, at any price the market will bear, at any time during the period of affordability. However, if the property is sold or transferred during the period of affordability, these recapture provisions apply:

In the event there are sufficient net proceeds from the sale to repay the total amount of the borrower's initial investment (down payment) and the outstanding HOME balance, then both parties shall recover their investments. The borrower will pay to lender the entire

balance due on the loan. Additional proceeds will be shared between the borrower and the lender.

In the event, however, the net proceeds from the sale or transfer of the property are **not** sufficient for the borrower to recover its initial investment and repay the outstanding HOME loan balance, then MFA will permit the borrower to recover its down payment first, and the remaining amount of net proceeds from the sale will then be recaptured. Upon recapture, the borrower's loan will be considered satisfied. MFA will never recapture more than the amount of net proceeds than are available. If there are no net proceeds from the sale or transfer, then no HOME funds will be recaptured and the loan will be considered satisfied. The term "Net Proceeds" means the sales price of the property, less the amount necessary to repay any loans superior to the HOME mortgage secured by the property, and less any closing costs associated with such sale or transfer. (That is: Net proceeds are defined as: Sales Price - Superior (non-HOME) debt - Closing costs = Net Proceeds). The amount to be recaptured will be limited to the available net proceeds.

Homebuyers must agree to reside in the HOME-assisted property for the duration of the period of affordability, or until there is a sale or other transfer of ownership of the property. MFA will monitor principal residency throughout the period of affordability. First, as a lien holder, MFA will be notified upon a sale of the property, and second, MFA is a loss payee on the hazard insurance and would be advised of any change in the insurance coverage. Should the homebuyer cease to reside in the home as its principal residence by vacating or renting the unit during the period of affordability, then the outstanding amount of the down payment assistance loan will be due and payable immediately, and the lender will take legal action to enforce the residency requirement.

Any variation on this recapture provision must be submitted to the State of New Mexico for review and approval by the State and by HUD.

PART E

State of New Mexico 2021 National Housing Trust Fund Allocation Plan

The National Housing Trust Fund (NHTF) was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131. In December 2014, the Federal Housing Finance Agency directed Fannie Mae and Freddie Mac to begin setting aside and allocating funds to the NHTF. On January 30, 2015, HUD published an interim rule (24 CFR Parts 91 and 93) providing guidelines for states to implement the NHTF. New Mexico's 2021 allocation is expected to be \$3 million. New Mexico Mortgage Finance Authority (MFA) will distribute these funds in accordance with 24 CFR Parts 91 and 93, as well as the following Allocation Plan.

For purposes of the Allocation Plan, MFA Mandatory Design Standards for Multifamily Housing (MFA's Design Standards) will mean the MFA Design Standards in effect at the time application requesting NHTF funds is made.

1. Distribution of Funds

Up to 10 percent of MFA's allocation and of future program income will be used for eligible administrative and planning costs, in accordance with 24 CFR 93.202. MFA will distribute the remaining NHTF funds directly to recipients; no funds will be distributed to sub-grantees. Funds will be distributed in the form of loans and/or grants, in accordance with the guidelines set forth in this plan as well as any priority housing needs identified in the State's Consolidated Plan. The attached NHTF Notice of Funding Availability (NOFA) provides further detail on application requirements and selection criteria. Funds will be available statewide.

2. Eligibility Requirements

Eligible activities are the production, preservation and rehabilitation of rental housing projects containing units for households whose annual incomes do not exceed 30% of the Area Median Income (AMI), as determined by HUD, or the federal poverty line (hereinafter collectively defined as Extremely Low Income or "ELI" households). Projects may include permanent housing for the homeless, Single Room Occupancy (SRO) projects, senior projects and other special needs projects. Student dormitories and transient housing (e.g. emergency shelters for homeless persons and families) are ineligible. NHTF funds may be used for new construction or rehabilitation of public housing units only as described in 24 CFR 93.203. Given the high need for rental housing among ELI families and individuals, MFA does not intend to fund any homebuyer activities at this time but will revisit the feasibility of funding homebuyer activities in the future.

Eligible costs are the following: development hard costs, refinancing costs, acquisition costs, related soft costs, operating cost assistance/reserves and relocation costs, as defined in 24 CFR 93.201.

Eligible recipients include nonprofit entities, for-profit entities, public housing agencies, and tribally designated housing entities. Participating recipients must be approved by MFA and have demonstrated experience and capacity to conduct eligible activities that meet the requirements of 24 CFR 93.2.

3. Application Requirements

Entities seeking NHTF dollars for eligible projects may submit applications for funding to MFA using the application posted on MFA's website.

Subject to fund availability, final funding decisions will be made by MFA's Board of Directors. Applications must be received no later than 60 days prior to a regularly scheduled meeting of the MFA Board of Directors in order to be considered at that meeting. Meetings of the MFA Board of Directors are generally held every third Wednesday of the month, but applicants are advised to consult MFA's website for updates. All applications submitted by the deadline for a particular meeting of the MFA Board of Directors will be treated as one funding round and evaluated concurrently. If sufficient funds are not available to fund all projects in a funding round that meets the requirements outlined in this NOFA, the project receiving the highest score will be recommended to the Board for approval, followed by the next highest scoring project, etc. until the remaining funds are no longer sufficient to fulfill the next highest scoring project's requested loan amount.

At a minimum, applications will require information on the following:

- Applicant's development capacity and experience;
- Applicant's financial condition;
- Capacity and experience of all other members of the development team;
- Development cost budget;
- Proposed sources of financing;
- Unit mix and projected rents;
- Operating cost budget;
- Cash flow projection;
- Narrative description of the project; and
- Architectural plans.

4. Selection Criteria

All projects must meet the following threshold criteria:

- NHTF-assisted units must provide permanent rental housing for ELI families;
- NHTF-assisted units must remain affordable to ELI families for at least 30 years;
- The applicant must certify that NHTF-assisted units will comply with all NHTF requirements;
- The project must be financially feasible;
- NHTF-assisted rehabilitation projects must comply with the rehabilitation standards found in Attachment A: MFA's Design Standards; and
- The project must include at least four (4) rental units.

All projects that meet the threshold criteria will be evaluated according to the following criteria:

	Scoring Criteria	Priority
	<p>Geographic diversity</p> <p><i>No other Low Income Housing Tax Credit, public housing, or federally-subsidized housing projects within:</i></p> <ul style="list-style-type: none"> • ¼ mile radius • ½ mile radius 	Low
	<p>Duration of the affordability period beyond the required 30 years</p> <p><i>Projects committed to an additional five or more years</i></p>	Low
	<p>Organization type</p> <p><i>Developer/general partner is a New Mexico nonprofit organization, a Tribally Designated Housing Entity (TDHE) or Tribal Housing Authority, or a public housing authority</i></p>	Low
	<p>Absence of project-based rental assistance</p> <p><i>Projects without project-based rental assistance or projects that have or will have project-based rental assistance covering less than or equal to 25% of the total units</i></p>	Low
	<p>Transit-oriented development</p> <p><i>Projects within 1/2-mile radius of public transportation.</i></p>	Medium
	<p>Rural location</p> <p><i>Projects located in cities with populations of 50,000 or less (per latest U.S. Census)</i></p>	Medium
	<p>Creation of new units serving ELI households, through new construction, adaptive reuse or conversion of market-rate units</p>	Medium
	<p>Applicant's ability to obligate NHTF funds and undertake eligible activities in a timely manner</p> <p><i>Projects that have</i></p> <ol style="list-style-type: none"> <i>(1) evidence of site control</i> <i>(2) evidence that the current zoning of the proposed site does not prohibit multifamily housing</i> <i>(3) evidence of all other non-MFA funding sources</i> <ol style="list-style-type: none"> <i>a.) firm letters of interest from all other non-MFA funding</i> <i>b.) commitment letters from all other non-MFA funding sources</i> 	High
	<p>Use of state, local and private funding sources</p> <p><i>Projects that have funding sources outside of federal funding sources, low-income housing tax credits, bond financing, and MFA funding sources</i></p> <p><i>For each non-MFA funding source for which points are being requested, application must include a firm letter of interest including terms.</i></p>	High
	<p>Extent to which the project provides permanent supportive housing</p>	High

5. Per-Unit Subsidy Limits

To allow maximum flexibility in the first five years of the program while MFA and its partners gain experience using NHTF to finance rental housing affordable to ELI households, the maximum per-

unit subsidy limits for NHTF will be set at HUD's applicable limits for the HOME Program effective at the time of commitment of NHTF funds.

MFA examined the development cost budgets of recent MFA-funded projects and determined that all were well within the HOME subsidy limits, and that these limits would allow cost premiums that may be necessary in developing housing for certain ELI populations. For example, projects that will include accommodations for individuals with disabilities are likely to have higher development costs. Projects will be evaluated separately for cost efficiency.

6. Performance Goals and Benchmarks

Based on an assumed 2020 New Mexico allocation of \$3 million and the per-unit subsidy limits described in Section 4 above, it is estimated that 2021 NHTF dollars will assist a minimum of 9 units affordable to ELI households (in the unlikely event that the highest per-unit subsidy limits are used), with the possibility of assisting up to 30 units affordable to ELI households if costs are far lower than the subsidy limits.

7. Rehabilitation Standards

All NHTF-assisted rehabilitation projects must comply with the rehabilitation standards found in Attachment A: MFA's Design Standards.

8. Limitation on Beneficiaries or Preferences

Preferences defined in the Allocation Plan or the NOFA may not violate nondiscrimination requirements in the NHTF interim rule at 24 CFR 93.350. Projects may not limit occupancy to or provide preference to students.

For the NHTF-funded, units, owners of NHTF-assisted projects are permitted to limit occupancy to or provide preference to the following populations:

- Households or individuals experiencing homelessness;
- Individuals with disabilities;
- Individuals with severe mental illnesses;
- Individuals with alcohol and other addictions;
- Individuals with HIV/AIDS;
- Victims of domestic violence;
- Seniors;
- Veterans;
- Individuals on public housing waiting lists;
- Youth transitioning out of foster care; and
- Ex-offenders.

While not required to limit occupancy or provide preferences to the populations described above, owners of NHTF-assisted projects who do must do so in accordance with 24 CFR 93.303(d). The intent is merely to allow owners of NHTF-assisted projects to limit occupancy to or provide preference to populations identified within this section as well as the priority housing needs

identified in the NM Consolidated Plan. Any limitation or preference must not violate nondiscrimination requirements. Federal fair housing requirements, including the duty to affirmatively further fair housing, are applicable to the NHTF program. A limitation does not violate nondiscrimination requirements if the project also receives funding from a federal program that limits eligibility to a particular segment of the population (e.g. Housing Opportunity for Persons Living with AIDS program, the Section 202 and Section 811 programs) or the Housing for Older Persons Act.

9. Refinancing Guidelines

MFA may, at its discretion, use NHTF funds for refinancing only when needed in order to permit or continue affordability of rental units when (1) rehabilitation is the primary activity, (2) the use of NHTF funds is proportional to the number of NHTF-assisted units in the project, and (3) the rehabilitation cost attributable to the NHTF units is greater than the amount of debt to be refinanced that is attributable to the NHTF units. MFA's minimum affordability period and underwriting standards for an initial investment of NHTF funds would apply, which include: adequacy of management and owner, feasibility of project to meet operational and debt service requirements, consistency with market, and review of total development costs and sources available to meet these needs.

Attachment A: MFA 2021 Mandatory Design Standards for Multifamily Housing Part A

The following Design Standards, including the MFA 2021 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications, contained herein as **Part B**, represent the minimum requirements for New Mexico Mortgage Finance Authority (MFA) financed rental housing and are herewith incorporated by reference into MFA's 2021 Qualified Allocation Plan (QAP). Capitalized terms are defined either herein or in the QAP.

MFA values excellence in design because well designed housing meets the needs of tenants, attracts market tenants and promotes community acceptance of housing financed by MFA. All Projects shall meet or exceed each of these standards, as well as the minimum requirements of all applicable building codes (hereinafter referred to as "Code"), regulations, and local zoning ordinances. In addition, Projects shall meet Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) requirements as applicable. Depending on the funding sources and other partners' requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. Projects receiving HOME funding must meet the property standards of 24 CFR 92.251. Projects receiving National Housing Trust Funds must meet the property standards of 24 CFR 93.301 (f) (1) and (2). The development team is responsible to know and meet all accessibility requirements for their Project. MFA will not be reviewing submissions with the intent to identify compliance with these various laws, codes, and ordinances governing the design of the projects. Should we find a discrepancy in a design that does not meet a law, code, or ordinance, we will, as a courtesy, inform the designer of our findings. Our review does not constitute nor represent the project's compliance with all applicable laws, codes, or ordinances; and development team members may not rely on MFA or its agents for final determination. In light of the complexity of adherence to all various code requirements, some developers may find it beneficial to hire third-party consultants to provide additional review. Each Project Owner and architect will be required to certify at Application that the Project design meets these Design Standards, and at completion will be required to certify that the Project was built in compliance with these Design Standards. The Design Standards have been arranged into three sections: "New Construction," "Rehabilitation," and "Special Projects" and shall be used as applicable for each type of Project or each portion of a Project.

Generally: Each Project must satisfy the desires and demands of the rental market. The physical characteristics of Projects will vary and depend on such matters as rentals, characteristics of population served, size of households, and comparable Projects. While it is expected that all projects meet the Design Standards applicable to their form of construction, these Design Standards are not intended to add unnecessary burden to the project. In cases where it is not technically and/or economically feasible to adhere strictly to all design or submission requirements, individual requirements may be waived at

MFA's discretion. The applicant must complete and submit the Waiver Procedure for Design Requirements form found in the 2021 LIHTC Application Package. This request will be reviewed with the application and determination of approval given following the design review process. Waiver Requests made after the project is awarded tax credits and/or any MFA funding are considered changes to the Project, and a \$500 fee payment will be required.

Design: Housing rental Projects must provide a continuing market appeal. Amenities, space and aesthetics must be competitive with other properties serving the same market segment. The Project must be visually pleasing, well suited to the needs of the residents, and of good design reflecting the architectural standards of the neighborhood and of the community in which it is situated. Site, building and dwelling unit designs must be practical and use space effectively.

Cost Concerns: The design should incorporate proven construction cost-saving techniques, durable cost-effective materials suitable for the intended use, energy saving features, and cost-efficient mechanical systems. Minimizing initial construction costs and continuing operation and maintenance costs are essential to MFA's affordable housing programs.

For purposes of this document, the ANSI A 117.1 standard means the then-current version of the ANSI A.117.1 standard adopted by the state of New Mexico as same applies to the Project at the time of construction.

NEW CONSTRUCTION

A. GENERAL DESIGN

1. New construction Projects shall conform to the following provisions and requirements as described in the New Construction section of this Standard unless specific site conditions make compliance technically infeasible, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.
2. Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA, as applicable. A minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partners' requirements, the Project may also be subject to UFAS requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
 - a. Site elements, accessible routes, buildings, and units shall be constructed in accordance with the ANSI A117.1 standard.
 - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces, and to site amenities (such as mail centers and dumpsters).
 - c. All common areas, including playgrounds and exercise rooms, shall be made accessible in accordance with FHA and ADA requirements.
 - d. Not less than one of the Type A units provided shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.

- e. A van accessible parking space shall be provided for each designated Type A accessible unit and for the Community Building at the ratios required by ADA.
- 3. Provisions shall be made for ADAPTABILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. All units located on an accessible path shall meet the provisions of either a Type A or Type B accessible unit as described in the ANSI A117.1 standard. An accessible route shall be provided to all ground floor units (unless noted through exception as found within the FHA and ANSI standards based on site configuration – See FHA Design Manual and ANSI A117.1 for additional information.)
- 4. New construction properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability over a similarly sized minimum Code compliant Project.
 - a. New construction units shall achieve a HERS certification of 55 or less.
 - b. New construction units shall utilize plumbing fixtures with flow rates and flush rates at the following rates: Toilets less than 1.6 GPF; Lav Faucets less than 2.0 GPM, Kitchen Faucets less than 2.5 GPM; Shower Heads not more than 2.0 GPM. .
 - c. The Project team shall implement durability measures intended to extend the livability and to decrease maintenance costs of the property.

B. SITE DESIGN AND DEVELOPMENT

- 1. Sites shall be designed, constructed, monitored and maintained in accordance with the federal Clean Water Act. See EPA's "Managing Your Environmental Responsibilities: A Planning Guide for Construction and Development" for additional information and requirements.
<http://water.epa.gov/polwaste/npdes/stormwater/upload/myerguide.pdf>.
- 2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to tenants.
- 3. Parking shall be provided at the minimum numbers as defined by local Zoning Ordinance.
- 4. Parking for bicycles shall be provided at all properties at the ratio of .5 bicycle parking space per unit.
 - a. Senior properties so designated by the U.S. Department of Housing and Urban Development (HUD) funding definitions applicable to the property and/or the Housing for Older Persons Act (HOPA) shall be required to provide bicycle parking at the ratio of .25 spaces per unit.
 - b. Bicycle parking should be provided in secure areas outside of the unit and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
- 5. Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.
 - a. Refuse collection areas shall be convenient to the units, shall be screened on all four sides, and shall offer room for recycling activities if such service is available in that municipality.

- b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
 - c. Unless washers and dryers are provided in each individual unit, laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:
 - i. One each washer and dryer shall be provided for every 12 units.
 - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
 - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
 - d. Site recreational areas shall be provided at all properties.
 - i. Site recreational facilities shall be provided on an accessible route, and shall encourage physical activity and community interaction.
 - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities/play areas for different age groups may be combined within a common play area as appropriate.
 - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
 - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
 - c) A play area for children ages 5 – 12 shall be provided.
 - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
 - e) Visible warning signs describing play area rules and warning that use is at one's own risk shall be provided at each play area.
 - f) An accessible, weather resistant, permanently-mounted bench shall be provided at each separate play area.
 - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
6. Landscaping shall be required at all properties:
- a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
 - b. Native, semi-native, or drought tolerant plants shall be used.
 - c. Low water use irrigation systems shall be used.
7. Interior community spaces and business offices shall be provided at all properties.
- a. All properties shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
 - b. Accessible public restrooms, at the ratios required by Code, shall be provided.
 - c. Unless required by local building code, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.

C. BUILDING DESIGN AND CONSTRUCTION

1. Exterior Building Design

- a. Buildings shall be designed to meet the local zoning requirements for that Project site, including requirements for unit densities, building heights, building setbacks, massing, colors, and materials.
- b. Definitions: The following specific terms as used in this document shall be defined as following:
 - i. Building Façade: The “Building Façade” shall be defined to be: “Any elevation of a building facing a public way or space.” A Building Façade shall be inclusive of all building elements compiled to create a visual impression. This is much more inclusive than just the building skin.
 - ii. Building Shape: The “Building Shape” shall be defined to be: “The primary rectilinear volume of the building structure.”
 - iii. Building Shape Variations: “Building Shape Variations” shall be defined to be: “any deviation in plane from the Building Shape.”
- c. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:
 - i. Building Façades shall be multi-faced.
 - a) In no case shall a Building Shape be confined to a straight rectangle. Building Shape Variations shall be required at a ratio of not less than the number bedrooms situated on the ground floor plane.
 - ii. Building Façades shall utilize not less than three different building materials.
 - a) Changes in building materials may also satisfy the requirements for shape changes if the materials are not in the same plane.
 - b) Exterior building materials exposed to the elements shall be low maintenance relative to the Project’s geographic location.
 - iii. Building Façades shall be multi-colored.
 - a) Each Building Façade shall include not less than two distinct colors.
 - b) Colors may be from the same hue family, but shall be distinct from each other.
 - iv. Building Façades shall be complementary to the form and massing of existing buildings throughout the community.
 - v. Building Façades shall be unique to the location and shall be of attractive design.
- d. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

2. Integrated Pest Management

- a. Building construction shall also include sealing all walls, floor and joint penetrations with low-VOC caulking or other appropriate nontoxic sealing methods to prevent pest entry.

D. UNIT DESIGN AND CONSTRUCTION

1. All units shall be constructed to meet Code requirements and the following minimum bedroom areas and dimensions requirements:
 - a. The primary bedroom in each unit shall be not less than 120 square feet.
 - b. Secondary bedrooms shall not be less than 100 square feet.
 - c. No bedroom shall have a dimension less than nine linear feet.
 - d. Bedroom areas shall not include wall thicknesses, closets, hallways, or adjoining rooms, but shall be the area immediately surrounding the intended bed location.
2. All units shall meet the following minimum storage requirements:
 - a. A clothes closet in each bedroom shall be provided. Bedroom closets shall not be dual purposed to meet other storage requirements.
 - b. A mechanical closet (as appropriate for the system to be utilized) shall be provided. Mechanical closets shall not be dual purposed to meet other storage requirements.
 - c. A laundry room or utility closet (if included in the unit design with the intent to provide washer and dryer hook ups) shall be provided.
 - d. A multi-use storage closet or closets which total not less than 8 square feet in area shall be provided. Multi-use closets shall be equipped with shelving at multiple heights.
 - e. Larger units (three bedrooms or more) shall be provided with an entry or coat closet in addition to the multi-use closet(s).
3. Three- and four-bedroom units shall be provided with not less than 1.75 baths.
4. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
5. Interior finishes shall be easily cleanable and durable.
6. Carpet shall not be installed in high moisture areas including: entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified.
7. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
8. Every room and space intended for human occupancy shall be equipped with permanent, hardwired, energy efficient light fixtures. Switched outlets will not satisfy this requirement.
9. Sites shall be developed and units constructed so as to include wiring and infrastructure needed to allow for access to high speed broadband internet¹, telephone, and cable/satellite television.

¹ Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated “public housing project” of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, “broadband infrastructure” is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC’s definition of “advanced telecommunication

10. Interior paints and sealants shall be low volatile organic compounds (VOC) or no VOC.
11. All appliances, including laundry equipment, shall be Energy Star rated. (Cooking appliances are exempt from this requirement).

REHABILITATION

A. GENERAL DESIGN

Rehabilitation Projects shall conform to the following provisions and requirements as described in the Rehabilitation section of this standard unless specific building and/or site conditions make compliance technically infeasible, in which case the Application must contain a Waiver of Procedure for Design Requirements, which can be found in the 2021 LIHTC Application Package. If the housing is occupied at the time of rehabilitation, any and all life-threatening deficiencies must be identified and addressed immediately. See Appendix A for a list of Inspectable Items and Observable Deficiencies, including the identification of life-threatening deficiencies (highlighted in orange) for the property site, building exterior, building systems, common areas, and units.

1. In addition, for Projects receiving federal funding, rehabilitation Projects must comply with HUD's Uniform Physical Condition Standards and all units shall be decent, safe, sanitary, and in good repair, as described in 24 CFR 5.703.

It is not the intent to burden a project with unnecessary work; however we do expect the project to have a minimum 20-year life expectancy after the work is completed.

2. Provisions shall be made for ACCESSIBILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. At minimum 5 percent of the units on a Project site shall meet the provisions of a Type A accessible unit as described in the ANSI A117.1 standard. An additional 2 percent of the units shall meet the provisions of a "hearing impaired unit." Depending on the funding sources and other partner requirements, the Project may also be subject to Uniform Federal Accessibility Standards (UFAS) requirements. The development team is responsible to know and meet all accessibility requirements for their Project.
 - a. Site elements, accessible routes, buildings and units shall be constructed in accordance with the ANSI A117.1 standard.
 - b. An accessible route shall be provided to all accessible units, to all public use spaces, to all common use spaces and to site amenities (such as mail centers and dumpsters).
 - c. All common areas, including playgrounds and exercise rooms shall be made accessible in accordance with FHA and ADA requirements.
 - d. Not less than one of the Type A units provide shall be fitted with a roll-in shower which shall be constructed in conformance with the ANSI A117.1 standard.

capability." The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.

- e. An accessible parking space shall be provided for each designated Type A accessible unit and for the community building at the ratios required by ADA. At least one “van accessible” parking space shall be provided near the Business Office.
3. Rehabilitation properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability to the buildings, units and site elements.
 - a. Rehabilitation units shall achieve a post-construction HERS score of 65 or less.
 - b. Plumbing fixtures to be replaced as part of the rehabilitation scope shall be replaced with fixtures utilizing flow rates and flush rates at the following rates: Toilets less than 1.6 GPF; Lav Faucets less than 2.0 GPM, Kitchen Faucets less than 2.5 GPM; Shower Heads not more than 2.0 GPM..
4. Hazardous materials assessment and remediation must be completed in accordance with EPA requirements and best practices.
 - a. Asbestos – project will be assessed for the existence of asbestos-containing building materials by qualified professionals:
 - i. National Emission Standards for Hazardous Air Pollutants (NESHAP) apply.
 - ii. Removal of asbestos must be carried out per federal EPA and state regulations and rules.
 - b. Lead - Health and Safety and Lead Safe Housing:
 - i. Lead-Based Paint
 - Federal and state regulations related to lead-based paint apply to target housing, which is defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.
 - Rehabilitation of target housing must be completed in a manner which ensures the health and safety of workers and residents, especially children. A number of regulations apply when lead painted surfaces are disturbed in residential properties, primarily requiring the appropriate training of workers and the use of safe work practices. In some cases, use of federal funds for rehabilitation will trigger a higher level of lead paint treatments based on the amount of federal money being used. The following regulations must be adhered to during all rehabilitation of target housing:
 - ii. Federal Regulations:
 - HUD Lead Safe Housing Rule (Title 24, Part 35) requires various levels of evaluation and treatment of lead paint hazards when federal money is used for rehabilitation of target housing. More information is available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/e_nforcement/lshr
 - EPA Renovation Repair and Painting Rule (40 CFR Part 745) – Requires contractors conducting renovation, repair or maintenance that disturbs paint in target housing or child-occupied facilities to be licensed by EPA and use lead- safe work practices to complete the work. Developers must ensure

contractors are properly trained and licensed. More information is available at: <http://www2.epa.gov/lead>

- HUD/EPA Disclosure Regulations (Title 24, Part 35, Subpart A) – Requires owners of target housing to disclose all lead paint records and related information to potential buyers and/or tenants. More information is available at: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf
- OSHA Lead in Construction Rule (29 CFR Part 1926.62) - Proscribes personal protection measures to be taken when workers are exposed to any lead during construction projects. More information is available at: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10641

Note: Projects utilizing National Housing Trust Fund funding are also subject to the requirements of Supplement A: State of New Mexico National Housing Trust Fund Rehabilitation Standards.

B. SITE DESIGN AND DEVELOPMENT

1. Sites shall be improved, constructed, and monitored in accordance with the federal Clean Water Act.
2. Sites shall be constructed to drain away from buildings. Storm water recharge of groundwater is a goal. Ponding areas shall be made attractive but reduce risk to residents.
3. Parking for bicycles shall be provided at all properties at the ratio of .25 bicycle parking spaces per unit.
 - a. Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be required to provide bicycle parking at the ratio of .15 spaces per unit.
 - b. Bicycle parking should be provided in secure areas outside of the unit area and in locations that do not compromise building safety or exiting. Bicycle parking at exterior locations shall be placed in highly visible locations and adjacent to the units the spaces serve. Bicycle parking may be congregate. Multiple spaces may be accomplished on a single rack. Bicycle parking racks should be fixed and permanent in nature.
4. Common use site areas shall include refuse collection, mail distribution, laundry, recreation and congregation. All such areas shall be connected with an accessible route.
 - a. Refuse collection areas shall be screened on all four sides, and shall offer room for recycling if such service is available in that municipality.
 - b. Mail distribution areas shall be well lit and secure but shall remain open to the tenants at all times.
 - c. If an existing Project proposed for rehabilitation has washers and dryers and/or washer/dryer hook-ups provided in each unit, then no laundry facility is required as part of the proposed rehabilitation. If existing units do not contain washer/dryer hook-ups, then laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:
 - i. One each washer and dryer for every 12 units.
 - ii. Laundry facilities shall be secured and well-lit from dusk until dawn.
 - iii. An accessible clothes folding table or counter shall be provided in each laundry facility.
 - d. Site recreational areas shall be provided at all properties.

- i. Site recreational facilities shall be provided on an accessible route, shall encourage physical activity, and shall encourage community interaction.
 - ii. Site recreational facilities shall include accessible play areas, shall be provided for different age groups, and shall encourage physical activity. Activities for different age groups may be combined within a common play area as appropriate.
 - a) All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
 - b) A play area for children under age 5 shall be provided within direct visibility of common spaces.
 - c) A play area for children ages 5 – 12 shall be provided.
 - d) For children over age 12 an area of congregation that encourages physical activity shall be provided.
 - e) Visible warning signs describing playground rules and warning that use is at one's own risk shall be provided at each play area.
 - f) An accessible, weather resistant, permanently mounted bench shall be provided at each play area.
 - g) Senior properties so designated by HUD funding definitions applicable to the property and/or the HOPA shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
5. Landscaping shall be required at all properties:
- a. A complete landscape plan which maximizes existing natural features or otherwise enhances open space is required.
 - b. Native, semi-native, or drought tolerant plants shall be used.
 - c. Low water use irrigation systems shall be used.
6. Interior community spaces and business offices shall be provided at all properties.
- a. All developments shall have an on-site business office of at least 200 square feet and a maintenance room of at least 100 square feet.
 - b. Accessible public restrooms, at ratios required by Code, shall be provided.

Unless required by local building codes, properties containing 20 or fewer units shall be exempt from the requirement to provide interior community spaces, public restrooms and business offices.

C. BUILDING DESIGN AND CONSTRUCTION

1. Exterior Building Design
- a. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:
 - i. Building Façades shall utilize not less than three different building materials.
 - a) Exterior building materials exposed to the elements shall be low maintenance relative to the Project's geographic location.
 - ii. Building Façades shall be multi-colored.
 - a) Each Building Façade shall include not less than two distinct colors.
 - b) Colors may be from the same hue family, but shall be distinct from each other.

- iii. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

D. UNIT DESIGN AND CONSTRUCTION

1. Single lever deadbolts and eye viewers are required on all entry doors to residential units.
2. Interior finishes shall be easily cleanable and durable.
3. Carpet shall not be installed in high moisture areas including: entryways, bathrooms, kitchens, and laundry rooms/closets. All carpet shall be CRI Green Label Plus and hard surface flooring shall be SCS Floorscore certified. (Applies to new flooring only.)
4. All hot water lines exposed as a result of the construction shall be insulated and sealed in additional rigid pipe insulation to the insulation values required by ASHRAE standards.
5. Bathrooms shall be equipped with exhaust vents that vent directly to the exterior of the building unless equipped with operable exterior windows with screens.
6. Units shall be individually marked with visible contrasting identifying signage that shall be illuminated so that it is clearly visible from dusk until dawn, as well as daylight hours.
7. Heating and cooling systems shall be sized in accordance with ACCA Manual J and Manual D requirements or in accordance with ASHRAE standards.
8. Sites shall be developed and units constructed so as to include wiring and infrastructure needed to allow for access to high speed broadband internet², telephone, and cable/satellite television.
9. Interior paints and sealants shall be low VOC or no VOC.
10. All appliances, including laundry equipment, proposed to be replaced as part of the scope of work for rehabilitation, shall be Energy Star rated.

² Under the final HUD rule governing installation of broadband, any new and substantially rehabilitated “public housing project” of four or more units must include infrastructure capable of supporting broadband access to residents as of January 19, 2017, unless the federal fund recipient can document one of the following three grounds for waiver:

- Location of property makes it infeasible;
- Costs of broadband infrastructure deployment changes the nature of the project or is an undue financial burden; or
- Nature of the structure being rehabbed makes installation infeasible.

Under the new regulation, “broadband infrastructure” is defined to include cable and fiber optic wiring, as well as wireless infrastructure, that is capable of meeting the FCC’s definition of “advanced telecommunication capability.” The FCC currently defines that term as broadband with at least 25 Mbps of downstream capability and 4 Mbps of upstream capability.

SPECIAL PROJECTS

A. SINGLE ROOM OCCUPANCY (SRO) DEVELOPMENTS

1. Tenant rooms (units) shall be 140 square feet minimum gross heated area with a maximum size of 500 square foot gross heated area.
2. Each unit shall be provided with at least one full size bed, a lockable storage compartment or chest of drawers, and a vertical clothes closet measuring at minimum 36 inches wide.
3. Each building containing units shall provide bathroom facilities.
 - a. A bathroom facility shall be provided for every 16 units or fraction thereof in that building.
 - b. Each bathroom facility shall provide bathroom fixtures at a ratio of the number of units it serves.
 - i. One sink, one shower with curtain or door and one toilet with a door shall be provided for every four units.
4. Each building containing units shall include a food preparation area unless provided within all units within that building.
 - a. The food preparation area shall be adequately sized for the number of units it serves.
5. A community center, community living area or meeting room shall be provided on the property.
6. Laundry facilities shall be provided for tenant use at all properties with more than 20 units.
 - a. Laundry facilities shall be secured and well-lit from dusk until dawn.
 - b. One each washer and dryer shall be provided for every 20 units.
 - c. An accessible clothes folding table or counter shall be provided in each laundry facility.

B. ADAPTIVE REUSE PROJECTS

1. Adaptive reuse Projects shall be subject to the full provisions of the Mandatory Design Standards for new construction unless it is demonstrated to MFA's satisfaction that specific elements or requirements are technically infeasible to accomplish, in which case the Application must contain a detailed explanation of why a provision or requirement cannot be met.

Part B: MFA 2021 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications

All Applications shall provide at the time of submission the preliminary architectural documentation of the proposed Project. This submission shall be provided to demonstrate the intent of the Project to comply with the MFA 2021 Mandatory Design Standards for Multifamily Housing, New Mexico building Codes, the FHA, the National Housing Trust Fund Rehabilitation Standards, and the 2010 ADA Standards for Accessible Design as applicable. Additionally, if applicable, provide the completed Waiver Procedure for Design Requirements form or any preliminary approval granted prior to submission of the Application.

All Applicants will be required to sign a certification stating that there have been no Material Design Changes, as defined in the QAP, between the plans and specifications submitted at Application and those contained in final construction documents. In the event there are Material Design Changes between the plans and specifications submitted at Application and those contained in final construction documents, MFA will require Applicant to submit a detailed narrative (at time of submission of final construction documents) of the changes made to the final construction documents and the reason(s) for the change(s). Changes made to the original Application may require additional MFA approval and payment of the applicable fees as described in the QAP. **Significant changes in the scope could result in the rescoring of the Application and the potential loss of tax credits.**

SITE INFORMATION

The Preliminary Architectural Documentation shall include the following:

1. City or jurisdiction map and detailed directions to the site.
2. Legal description of site.
3. Aerial view or satellite view of the site. The view shall show the areas adjacent to the site within a half mile of the site.
4. Location and Linkages map
 - a. The map shall be scaled to show the roadways within at least a half mile radius of the site.
 - b. The map shall indicate bus and/or commuter rail stops or stations within a half mile of the site.
 - c. If any of the above services are not available within the half mile radius, the map shall so state.
5. Color Photos

Current color photographs of the Project site (images obtained from a website are not acceptable); include images looking out toward each of the cardinal directions. If a rehabilitation Project, include images of each façade of the existing structure(s) as well as existing amenities.
6. Preliminary Site Plan
 - a. The site plan shall show the extents of the site and shall label adjacent roadways.
 - b. The site plan shall include a north arrow and scale.
 - c. The site plan shall show the buildings and identify the number of units to be included in each building.

- d. The site plan shall include a unit matrix giving the number, type and sizes of units to be included in the Project.
 - e. The site plan shall show the preliminary parking layout and enumerate the number and type of parking spaces to be provided.
 - f. The site plan shall show the locations of bicycle parking spaces.
 - g. The site plan shall show the locations of site elements if required or provided, including but not limited to:
 - i. Monument signs
 - ii. Recreational and/or play areas with required features
 - iii. Community areas
 - iv. Garbage enclosures
 - v. Mail centers
 - vi. Laundry facilities
 - vii. Office spaces
 - viii. Maintenance room
 - ix. Accessible features, including but not limited to:
 - a) Accessible units
 - b) Accessible routes
 - c) Accessible parking spaces
7. Preliminary Landscape Plan
- a. The Landscape plan shall show tree and plant locations and relative sizes.
 - b. The Landscape plan shall show the plant types anticipated for use.
 - c. The Landscape plan shall describe the irrigation system to be used.
8. Preliminary Building Plans
- a. Building plans shall be provided showing the ground floor layouts for each building type to be included in the Project.
 - b. Building plans shall be provided showing the typical upper floor layouts for each building type to be included in the Project.
 - c. Building plans shall call out the following spaces, if required or provided, and show their locations relative to the remainder of the building elements on that floor:
 - i. Laundry facilities
 - ii. Community rooms
 - iii. Accessible units
 - iv. Leasing/program/special services offices
 - v. Maintenance rooms
 - vi. Elevators
9. Preliminary Building Exterior Elevations
- a. Building elevations shall be provided for each building type.
 - b. Building elevations shall describe the following attributes:
 - i. Building height
 - ii. Exterior materials
 - iii. Colors and/or color schemes

- iv. Building signage
- v. Building lighting
- vi. Vertical circulation if provided

10. Preliminary Unit Plans

- a. Unit plans shall be provided for each typical unit type.
- b. Unit plans shall be provided for all accessible units.
- c. Unit plans shall describe the following attributes:
 - i. The overall layout of the rooms or spaces
 - ii. Bedroom locations, numbers and square footage
 - iii. Linear dimensions for bedrooms
 - iv. Storage closets
 - v. Mechanical systems to be used with space requirements and space locations
 - vi. Lighting layout
 - vii. Kitchen cabinetry and appliances
 - viii. Doors and swings
 - ix. Laundry equipment and/or hook ups if provided
 - x. Accessible features, clear floor spaces and clear turning spaces

11. Preliminary Specifications:

- a. Preliminary specifications shall be provided for all Projects.
- b. The preliminary specifications shall describe the following aspects of the work:
 - i. Proposed building systems, including but not limited to:
 - a) The exterior envelope including windows, doors, roofing and wall surface finishes
 - b) The building insulation systems
 - c) The structural systems
 - d) The mechanical systems
 - e) The plumbing and hot water systems
 - f) The electrical systems
 - g) The lighting systems
 - i. Proposed interior fixtures, finishes and installations, including but not limited to:
 - a) Cabinetry
 - b) Appliances
 - c) Wall and ceiling finishes
 - d) Floor finishes
 - e) Plumbing fixtures and trim
 - f) Electrical fixtures and trim
 - g) Interior doors

12. Rehabilitation Scope of Work Narrative: (Required for all rehabilitation projects)

- a. A rehabilitation scope of work shall be provided for all rehabilitation Projects.
- b. The rehabilitation scope of work shall describe the following:
 - i. Proposed changes to the site to remove barriers to accessibility
 - ii. Proposed changes to the buildings to provide a minimum 5 percent accessible units
 - iii. Proposed strategy to achieve a maximum HERS certification of 75 or better

- iv. Proposed changes to the site to meet the requirements of the Mandatory Design Standards: Rehabilitation Section B
 - v. Proposed changes to the buildings to meet the requirements of the Mandatory Design Standards: Rehabilitation Section C
 - vi. Proposed changes to the units to meet the requirements of the Mandatory Design Standards: Rehabilitation Section D
 - vii. A detailed description of all demolition activities
13. For projects utilizing National Housing Trust Fund funding, a certification that the design is in compliance with all of the requirements of the State of New Mexico National Housing Trust Fund Rehabilitation Standards.

CAPITAL NEEDS ASSESSMENT (CNA) REQUIREMENTS

As required by the 2021 QAP, all rehabilitation and adaptive reuse projects must provide a CNA with the Application if requesting an exception from the 20-year requirement, prior to the issuance of the letter of determination for tax-exempt bond finance projects, or at carryover for all other projects.

Professionals performing the CNA must meet the following minimum qualification/certification requirements set forth by MFA.

- ◆ Must be prepared by an independent, third-party professional not involved in the design or preparation of drawings and specifications for the project.
- ◆ Must have no financial interest in the Project, and must have no identity of interest with the Developer or Co-Developer or personal interest with respect to the parties involved.
- ◆ Preparer must demonstrate a minimum of five years' experience performing CNAs. Experience may be demonstrated by submitting a resume', list of projects, applicable AIA form, or other documentation containing information on the project and year the CNA was completed.
- ◆ The preparer must submit the Certification of Qualified Professional – CNA form found in the 2021 LIHTC Application Package.

Supplement A

State of New Mexico National Housing Trust Fund Rehabilitation Standards

I. PURPOSE OF STANDARDS

- A. This supplement combined with the 2021 MFA Mandatory Design Standards for Multifamily Housing shall comprise the National Housing Trust Fund Rehabilitation Standards (known herein as the “NHTF Standards”).
- b. The NHTF Standards are designed to outline the requirements for building rehabilitation for all New Mexico Mortgage Finance Authority (MFA) National Housing Trust Fund (NHTF) funded multifamily housing projects. All renovation activities performed on an NHTF-funded project must conform to these rehabilitation standards.
- B. The goal of the MFA NHTF program is to provide functional, safe, affordable, and durable housing that meets the needs of the tenants and communities in which the housing is located throughout its affordability period.
- C. Through use of the NHTF Standards, all health and safety deficiencies must be addressed and corrected.

II. QUALITY OF WORK

- A. Quality of Work: Grantees and developers will ensure that all rehabilitation work is completed in a thorough and workmanlike manner in accordance with industry practice and contractually agreed upon plans and specifications, as well as subsequent mutually agreed upon change orders during the construction process. Grantees and developers will employ best practice industry standards relating to quality assurance to verify all work completed.
- B. Project Design Professionals
 - 1. Projects will be designed by licensed professionals per 14.5.2 New Mexico Administrative Codes (NMAC) – Permits.
 - 2. The project developer will formally contract with licensed architectural and engineering design professionals to provide appropriate professional services for each project. It is the responsibility of each licensed professional to assure that the scope of work is done in accordance with the generally accepted practices in their discipline, as well as designing the project to be in full conformance with all the applicable federal, state and local codes. (See Section III below.)
 - 3. In addition, the architect or engineer will provide contract specifications which stipulate quality standards, materials choices, installation methods and standards. Such specifications may reference other appropriate standards set by different trades associations and testing agencies such as ASTM, Underwriters Laboratory (U/L), Tile Council of America, Gypsum National Roofing Contractors Association (NRCA), Architectural Woodwork Institute (AWI), Sheet Metal and Air Conditioning Contractors' National Association (SMACNA), and AFME.
- C. By meeting the various code requirements as a minimum standard, together with the other standards herein or in attendant MFA policies, each building rehabilitation project is assured to be brought up to an acceptable level of rehabilitation.
- D. Warranties will be required per the standard construction contracts on all materials, equipment and workmanship.

III. SCOPE OF WORK DETERMINATION

- A. In developing scopes of work, grantees and developers will work with MFA staff to ensure that all requirements under the NHTF Standards are satisfied and that the proposed scope of work meets the goals of Part I above. MFA approval of all scopes of work is required.

IV. EXPECTED USEFUL LIFE / REHABILITATION SCOPE & CAPITAL PLANNING

- A. In developing scopes of work on housing rehabilitation projects, MFA NHTF grantees and developers will consider the remaining expected useful life of all building components with regard to building long-term sustainability and performance. Specifically, each building component with a remaining expected useful life of less than the applicable NHTF period of affordability (30 years) will be considered for replacement, repair or otherwise updated. Additionally, new building components with an expected useful life of less than 30 years will be considered for future replacement.
- B. Project CNAs will be required. The industry standard period for CNAs is 20 years; however, project CNAs must be updated every five years during the life of the project to ensure projected capital needs through the 30 year NHTF affordability period are anticipated and planned for. The initial CNA will cover years 1-20. The first five year update will be done in year 5 and cover years 6-25. The second 5-year update will be done in year 10 and will cover years 11-30.
- C. Once a scope of work has been developed by the grantee and their development team, the grantee must also develop a Capital Plan. Whether or not a particular building component has been replaced, repaired or otherwise updated as part of the rehabilitation scope of work, all building components and major systems must demonstrate adequate funding to be viable for at least 20 years, the length of the capital plan, with subsequent updates every five years during the 30-year affordability period.
 - Example #1: Kitchen cabinets with a remaining useful life of eight years may be permitted to be left in place and not included in the rehabilitation scope. However, adequate funding must be demonstrated in the building capital plan to replace those cabinets in year 8 of the post-rehabilitation capital plan.
 - Example #2: If a building component such as a new roof is installed during the rehabilitation and this roof has an expected useful life of 25 years, it will not show up on the initial CNA as needing replacement during that 20-year period. However, since MFA requires updates of CNA's for NHTF projects to be performed every 5 years, it will show up on the next 20-year CNA which will be performed in year 5 of the project and cover years 6 to 25. During these 5- year CNA updates, the project reserve contributions will be reviewed to ensure all future capital expenditures articulated in the CNA are adequately funded through the 30-year affordability period.
- D. Annual replacement reserves contributions of at least \$250 per unit per year (pupy) for senior projects and \$300 pupy for general occupancy projects are required through the 30-year affordability period. If the initial 20-year CNA and capital plan (and/or any subsequent five year updates) indicate that replacement costs for the period exceed the amount generated by the respective pupy contributions, a higher pupy contribution will be required.
- E. Grantees and their development teams should ensure that all site and building systems and components are analyzed to ensure that they will remain viable and serviceable throughout the affordability period. The analysis of some systems (the structural system for example), may require professional investigation, review and documentation.

VII. DISASTER MITIGATION

- A. To the extent applicable/relevant, the housing must be improved to mitigate the potential

- impact of potential disasters (e.g. earthquakes, floods, wildfires) in accordance with state or local codes, ordinances and requirements or such other requirements that HUD may establish.
- B. Specifically regarding flood hazards:
1. Projects must meet FEMA federal regulation, and HUD's floodplain management requirements at 24 CFR 55, including the 8-Step Floodplain Management Process (when applicable) at 24 CFR 55.20.
 2. Projects must meet fluvial erosion prevention requirements per local municipality regulations.
- C. Specifically regarding earthquakes:
1. Projects located in earthquake prone regions must be assessed by a registered structural engineer for compliance with Section 707 of the 2009 International Existing Building Code.
 2. Projects located in earthquake-prone regions must further complete soils testing and grading of the soils by a registered soils engineer in accordance with the 2009 International Building Code Requirements. Such soils classifications will be used to determine if voluntary improvements of the seismic force-resisting system (Section 707.6 2009 IEBC) will be voluntary or compulsory.
- D. Specifically regarding wildfires:
1. Projects located in wildfire-prone areas or which are located next to large expanses of forest, brush, open fields, or within predominantly natural landscapes will make efforts to reduce exposure to wildfires.
 2. Projects located in wildfire-prone areas will utilize best practices to protect the project including readily available information provided through the U.S. Forest Service and NFPA Firewise Community Program. Such efforts toward preparation will include basics of defensible space and sound landscaping techniques. Additional information can be found at www.firewise.org/wildfire-preparedness.aspx.

PART F

MFA Emergency Solutions Grant (ESG) Written Standards



MFA

| *Housing New Mexico*

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INTRODUCTION

In accordance with Title 24 of the Code of Federal Regulations, specifically 24 CFR 91.220(l)(4)(i) and 576.400(e)(1), New Mexico MFA (MFA) and the Albuquerque and Balance of State Continuums of Care (NM CoCs) have developed the following written standards for the provision and prioritization of Emergency Solutions Grant (ESG) funding. The following standards are intended as basic, minimum standards to which individual ESG recipients may add additional and more stringent standards applicable only to their own projects. These required minimum standards help to ensure that the ESG program is administered fairly and methodically. MFA and the NM CoCs will continue to build upon and refine this document.

BACKGROUND

MFA is awarded ESG funds annually from the Department of Housing and Urban Development (HUD) as part of the Annual Action Plan Process. These funds are designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) significantly amended the McKinney-Vento Homeless Assistance Act, including major revisions to the Emergency Shelter Grants program, which was renamed the Emergency Solutions Grants program. The HEARTH Act, and implementation of the applicable federal regulations by HUD, incorporated many of the lessons learned from the implementation of the Homelessness Prevention and Rapid Re-Housing Recovery Act Program (HPRP) into the new ESG program, including placing a stronger emphasis on rapid re-housing assistance.

PROGRAM OVERVIEW

The ESG Program allows MFA to set priorities based on the individualized needs of communities across the state of New Mexico as identified in MFA's Consolidated Plan. These standards serve to outline the specific guidelines and priorities that will be used by MFA in awarding and administering ESG funding. Currently, eligible program components that are prioritized under MFA's ESG Program are emergency shelter, homeless prevention, rapid re-housing, housing stability case management, housing search and placement and HMIS. MFA and NM CoCs may revise ESG component priority in subsequent years based on the needs of the community.

STANDARDS APPLICABLE TO ALL PROGRAMS

The following standards are intended as basic, minimum standards that apply to all ESG projects.

PROGRAM ELIGIBILITY BY HOMELESS STATUS

Every participant served with ESG funds must qualify for assistance according to HUD standards. Sub-recipients are responsible for determining eligibility status for all ESG program participants and are required to obtain documentation at intake of homelessness, imminent risk or at-risk of homelessness status. This documentation must show that the “Order of Priority for Obtaining Evidence of Homelessness” was followed at intake, as defined in Appendix D and in 24 CFR 576.500. A copy of the documentation must be kept in the participant file and made available to MFA, the NM CoCs and HUD for monitoring or risk analysis purposes. Complete details regarding participant eligibility for ESG-funded programs are outlined in Appendix B and C.

STREET OUTREACH

Street Outreach services shall target unsheltered, homeless individuals and families, defined as those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

EMERGENCY SHELTER

Individuals and families eligible for Emergency Shelter assistance must meet HUD’s Definition of Homelessness. (see Appendix B)

RAPID RE-HOUSING

Individuals and families eligible for Rapid Re-Housing assistance must meet HUD’s Definition of Homelessness. (see Appendix B)

There is no income limit upon intake for this program. All participants must meet the ESG income limits of at or below 30% of the area median income (AMI) for the area upon annual recertification

HOMELESS PREVENTION

Individuals and families eligible for Homeless Prevention assistance must meet HUD’s Definition of Imminent Risk or At-Risk of Homelessness. (see Appendix C)

Additionally, Homeless Prevention projects must only serve individuals and families that meet the ESG income limits of below 30% of the area median income (AMI) for the area.

Income limits can be found at <https://www.huduser.gov/portal/datasets/fmr.html>

THE NEW MEXICO COORDINATED ENTRY SYSTEM (NMCES)

To ensure homeless households receive immediate housing and to minimize barriers to housing access, all sub-recipients will be required to assist program participants in accessing resources through the New Mexico Coordinated Entry System (NMCES) and accept (where applicable) all referrals for housing from the NMCES. Coordinated Entry is a state-wide process for facilitating access to all resources designated for individuals and families experiencing homelessness. This system ensures that every homeless individual or family is known by name and is provided assistance based on the individual or family's unique needs and matches them to the most appropriate service strategy or housing intervention. The NMCES ensures system coordination among emergency shelters, essential service providers, homeless prevention providers, rapid re-housing providers, other homeless assistance providers, and mainstream services and housing providers.

Sub-recipients will have, at a minimum, one staff member who is trained and certified in conducting the common assessment tool used by the NMCES. The NMCES uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT) as its common assessment tool. To the maximum extent practicable, households presenting for assistance will be assessed using the VI-SPDAT. All completed assessments must be entered into the NMCES, in accordance with NMCES Policies and Procedures. (see nmceh.org or email info@nmceh.org for more information.)

Where the sub-recipient is unable to administer the VI-SPDAT, households that present for service will be provided appropriate referrals to NMCES.

Note: A victim services provider may choose not to use the CoC's centralized or coordinated assessment system. (24 CFR 576.400(d))

FAIR HOUSING

Sub-recipients will not prohibit access to ESG funded programs to anyone who would otherwise be eligible for assistance based on race, color, religion, national origin, sex, age, familial status, disability type, actual or perceived sexual orientation, gender identity or marital status. Sub-recipients will post publicly a HUD-issued Fair Housing notice, in a place that is visible to all program participants and persons who present for assistance or services.

EQUAL ACCESS

Units of general local government and nonprofit organizations shall make it known that facilities and services supported by this grant are available to any person (who otherwise meets the eligible criteria for the program) in accordance with the Equal Access Rule (24 CFR 5.105(a)(2)) which prohibits

discriminatory eligibility determinations in HUD-assisted or HUD-insured housing programs based on actual or perceived sexual orientation, gender identity, or marital status, including any projects funded by ESG Programs. The ESG Interim Rule also contains a Fair Housing Provision at 24 CFR 576.407(a)(b).

It is allowable for shelters or housing programs to exclusively serve families with children, but they must serve all types of families with children including both male and female headed households. The housing or shelter may also be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex.

Providers that operate single-sex projects must provide all individuals, including transgender individuals and other individuals who do not identify with the sex they were assigned at birth, with access to programs, benefits, services, and accommodations in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.

AFFIRMATIVE OUTREACH

Sub-recipients must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. To this end, the sub-recipient must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, sub-recipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

Sub-recipients will market their program in an ongoing effort to assure that potential participants who are least likely to access the program, (without regard to race, color, national origin, sex, religion, familial status, sexual orientation, and disability) have access to the program. Sub-recipients will document efforts to conduct outreach to educate those least likely to access resources. Affirmative marketing strategies will include efforts to communicate information regarding services and resources available through the program, eligibility requirements, and information about how the program participates in the NMCES.

Methods outlined in the sub-recipient's marketing strategy may include:

- Distributed printed materials
- Postings to agency website and/or social media accounts
- Public listings through community resource services
- Education provided to community partners

COORDINATION WITH OTHER TARGETED HOMELESS SERVICES

ESG-funded programs must coordinate and integrate, to the maximum extent practicable, eligible activities with other programs targeted to homeless people in their geographical region. Efforts to coordinate with other targeted homeless services must be documented by sub-recipients. These programs may include, but are not limited to:

- Continuum of Care Program (24 CFR 578)
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR 882)
- HUD—Veterans Affairs Supportive Housing (HUD—VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008))
- Education for Homeless Children and Youth Grants for State and Local Activities (title VII–B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.))
- Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa– 5))
- Healthcare for the Homeless (42 CFR part 51c)
- Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.))
- Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc–21 et seq.))
- Services in Supportive Housing Grants (section 520A of the Public Health Service Act)
- Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.))
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975))
- Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021)
- Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043)
- VA Homeless Providers Grant and Per Diem Program (38 CFR part 61)
- Health Care for Homeless Veterans Program (38 U.S.C. 2031)
- Homeless Veterans Dental Program (38 U.S.C. 2062)
- Supportive Services for Veteran Families Program (38 CFR part 62)
- Veteran Justice Outreach Initiative (38 U.S.C. 2031)

OTHER FEDERAL, STATE, LOCAL, AND PRIVATE ASSISTANCE

ESG-funded programs must support each program participant, as needed, in obtaining other federal, state, local, and private assistance, the end goal being housing stability. Assistance provided to program participants must be documented by sub-recipients. Assistance programs include:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Women, Infants and Children (WIC)
- Federal-State Unemployment Insurance Program
- Social Security Disability Insurance (SSDI)
- Supplemental Security Income (SSI)
- Child and Adult Care Food Program
- Public housing programs
- Housing programs receiving tenant-based or project-based assistance
- Supportive Housing for Persons with Disabilities
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families (TANF)
- Health Center Program
- State Children's Health Insurance Program
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) 24 CFR 576.107

All ESG funded programs are required to enter participants in the NM Homeless Management Information System (NM-HMIS) at first contact, reassessment, and exit, per current HMIS Data Standards. Programs that are specifically forbidden by other statutes or regulations to participate in HMIS, (e.g., victim service providers) must participate utilizing an approved comparable database to meet reporting requirements. New Mexico victim service providers currently utilize the Osnium database for this purpose.

All participating agencies must collect and maintain common data fields as determined by current HUD data standards and as applicable to all relevant federal regulations. This requirement helps to ensure coordination between service providers through NMCES while avoiding duplication of services and client data and provides an opportunity to document eligibility for assistance. Sub-recipients must enter and maintain all data required to complete all reporting requirements established by HUD, MFA, and the NM CoCs. All NM-HMIS participating agencies must also adhere to the policies and procedures outlined in the NM-HMIS Standard Operating Procedures, including timely, accurate, and complete data quality management.

CONFIDENTIALITY OF RECORDS

All ESG-funded programs must uphold all privacy protection standards established by the NM-HMIS Standard Operating Procedures and relevant federal and state of New Mexico confidentiality laws and regulations that protect client records. Confidential client records may only be released with the participant's or the participant's guardian's consent, unless otherwise provided for in the pertinent laws and regulations. All required HMIS forms can be found within the NM-HMIS database program.

VERBAL EXPLANATION

Prior to every participant's initial assessment, ESG-funded programs must provide a verbal explanation to the participant of how their personal information will be entered into an electronic database that stores client information. The participant must also be given a verbal explanation of the NM-HMIS Client Consent Form terms.

WRITTEN CONSENT

After being provided a verbal explanation, each participant who agrees to have their personally identifiable information (PII) entered into the NM-HMIS must sign the NM-HMIS Client Consent Form. (Exception: verbal consent to enter PII into the NM-HMIS may be obtained during a phone screening, outreach, or diversion, provided that the sub-recipient obtains the participant's written consent at the next available opportunity.) Participants must be informed that they may be removed from the database at any time at their request. Those who do not sign the Consent Form are entered into NM-HMIS using only an identifier number.

TERMINATION OF ASSISTANCE

Sub-recipients may terminate assistance to participants who violate program requirements as outlined below, in accordance with 24 CFR 576.402(a)(b)(c).

If a program participant violates written program requirements, the sub-recipient may terminate assistance in accordance with a formal process established by the sub-recipient that recognizes the rights of individuals affected. The sub-recipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

When terminating rental assistance or housing relocation and stabilization services, the required formal process shall minimally consist of:

- A written notice to the program participant containing a clear statement of the reasons for termination; and

- 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 decision; and
- Prompt written notice of the final decision to the program participant.

Termination does not bar the sub-recipient from providing further assistance at a later date to the same family or individual.

GRIEVANCE PROCEDURES

All ESG sub-recipients must create a formal standardized grievance process which they must incorporate into their internal policies and procedures and at a minimum include:

- An established escalation process if no resolution is found through initial efforts
- A designated grievance liaison within the agency
- A standard grievance form that can be filled out and returned to a grievance liaison

Participants are informed, at initial intake, of their right to file a grievance and that no services will be denied based on complaints or grievances. In the event that a grievance is filed, participants must be provided with contact information for the agency's director, the MFA program manager, and/or a HUD representative, if applicable. The signed grievance form is to be kept in the participant's permanent file. (Refer to the MFA Performance Agreement (contract), Article 20, "Maintenance of Grievance System).

FAITH-BASED ACTIVITIES

Minimum standards for faith-based activities (24 CFR 576.406) are:

- Providers receiving ESG funding shall not engage in inherently religious activities as part of the ESG-funded programs or services. Such activities must be offered separately from ESG-funded programs and services and participation must be voluntary.
- A religious organization receiving ESG funding retains independence from the government and may continue with its mission provided that ESG funds are not used to support inherently religious activities. An ESG-funded organization retains its authority over its internal governance.
- An organization receiving ESG funding shall not discriminate against a participant or prospective participant based on religion or religious beliefs.
- ESG funding shall not be used for the rehabilitation of structures used specifically for religious activities but may be used for rehabilitating structures that are used for ESG eligible activities.

HOMELESS REPRESENTATION

Sub-recipients must ensure that, to the maximum extent practicable, not less than one homeless individual or formerly homeless individual participates on the board of directors or other equivalent policymaking entity of the agency, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive ESG funds. (24 CFR 576.405)

If the sub-recipient is unable to meet requirements outlined in the above paragraph, it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive ESG funds. This plan must be included in the annual action plan, as required at 24 CFR 91.220.

To the maximum extent practicable, the provider must also involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

PROGRAM EVALUATION

MFA will provide assistance to NMCEH in developing annual performance standards for evaluating the effectiveness of ESG program funded activities. Sub-recipient performance will be evaluated annually and performance outcomes will be considered in allocating funding.

At a minimum, the performance standards will address the degree to which ESG sub-recipients are succeeding in:

- Targeting those who most need assistance; and
- Reducing the number of people living on the streets or in emergency shelter; and
- Reducing the time people spend homeless; and
- Reducing program participants' housing barriers or housing stability risks; and
- Improving HUD System Performance Measures; and
- Submitting an accurate and timely annual CAPER

STREET OUTREACH STANDARDS

Street Outreach should be principally focused on one goal: supporting persons experiencing homelessness in achieving some form of permanent, sustainable housing. While Street Outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards should be used with permanent housing as the end goal rather than simply seeking to alleviate the burden of living on the streets.

ESG street outreach funds may be used for the costs of providing essential services necessary to reach out to unsheltered persons, connecting them with emergency shelter, housing, or critical services and providing urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. Individuals and families shall be offered the following eligible Street Outreach activities, as needed and appropriate: engagement, case management, emergency health services, mental health services and transportation (24 CFR 576.101).

TARGET POPULATION

Providers of Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including but not limited to a car, park, abandoned building, bus or train station, airport, or camping ground, and who would not otherwise access homeless services.

NM COORDINATED ENTRY SYSTEM

All individuals and families served through street outreach programs should be assessed using a comprehensive, universal assessment tool, the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT), in order to make an informed and objective decision on the level of need of each family and streamline eligibility determinations. All completed assessments must be submitted to the NMCES program or entered into the NM-HMIS database in accordance with NMCES Policies and Procedures.

EMERGENCY SHELTER STANDARDS

ESG funds may be used for the following costs:

- Essential Services
- Shelter Operations
- HMIS/Osniium

An emergency shelter is any facility with the primary purpose of providing temporary shelter for the homeless in general or for a specific population of the homeless. Emergency shelters will not require occupants to sign leases or occupancy agreements.

Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. Households should only be referred to ESG-funded emergency shelters after exhausting all available options for diversion. Emergency shelter programs should be closely linked to the New Mexico Coordinated Entry System (NMCES) to ensure residents are referred to the most appropriate housing resources including, but not limited to, rapid re-housing and permanent supportive housing.

ELIGIBLE PARTICIPANTS

ESG-funded emergency shelter programs serve individuals and families who meet the Definition of Homelessness as defined in 24 CFR 576.2 (see also Appendix B). This includes those who lack a fixed, regular, and adequate nighttime residence; cannot be served by other programs or resources; and have no other options for overnight shelter.

ADMISSION

Sub-recipients must develop clear and standard policies and procedures regarding admission to the shelter when need exceeds available resources. Admission policies and procedures must be applied consistently for all households presenting for assistance and take into account the varying needs of people who are homeless. Emergency shelters will prioritize individuals/families in the following situations:

- Those who cannot be diverted; and
- Those who are literally homeless; and
- Those who can be safely accommodated in the shelter; and
- Those who are not in need of emergency medical or psychiatric services, including those who do not appear to pose a danger to themselves or others

No shelter may deny entry based on disability status. Victims of domestic violence who are actively fleeing a domestic violence situation should be referred to a specialized domestic violence shelter, when possible, regardless of where they first access the shelter system.

RECORDKEEPING REQUIREMENTS

Sub-recipients may document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. (see Appendix D for complete list of requirements)

NMCES

Sub-recipients must offer all individuals/families that enter the shelter an opportunity to complete the common assessment tool for the NM Coordinated Entry System (NMCES) within the first seven days of their stay. The NMCES uses the VI-SPDAT as its common assessment tool. This will allow shelters to connect families and individuals experiencing homelessness to the most appropriate long-term housing option available through the Coordinated Entry System. All ESG-funded programs must also post notice providing information about the NMCES in a place that is visible to all persons presenting for services.

PROHIBITION AGAINST INVOLUNTARY FAMILY SEPARATION

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, is considered to be a family and must be served together as such. Further, any shelter receiving funds under the ESG programs, including faith-based organizations, cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g. adults and children or adults only), the age of any family member, the disability status of any member of the family, marital status, actual or perceived sexual orientation, or gender identity. Further, the age and gender of a child under age 18 must not be used as a basis for denying any family admission to any shelter receiving ESG funds.

Child School Enrollment and Connection to Services

Emergency Shelters will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including Title 1, early childhood programs such as Head Start, and parts B and C of the Individuals with Disabilities Education Act. Sub-recipients that serve households with children will post publicly, and/or provide for households with children at intake, notice of education services available within the community, and document efforts to verify that children are enrolled in school and connected to appropriate services.

SAFETY AND SECURITY

Emergency Shelter programs must create policies and procedures that minimize barriers and follow harm-reduction methods to the maximum extent practicable, while also creating a safe environment for shelter participants and staff. Policies and procedures may vary depending on the shelter population being served.

LENGTH OF STAY

Emergency shelters must develop clear, standard policies and procedures regarding length of stay. Policies and procedures must be applied consistently for all program participants and take into account the varying needs of people who are homeless. When possible, people with long-term, serious disabilities should be allowed to stay until they are able to access permanent supportive housing.

SUPPORTIVE SERVICES

While shelter staff may encourage trust and build relationships by discussing non-housing related topics with shelter residents, the primary purpose and ultimate goal of all resident interactions should be to ensure that participants obtain permanent housing as quickly as possible. Emergency shelter programs will connect shelter residents to other federal, state, local, and private assistance as outlined under

“Standards Applicable to All Programs.” Interactions that include discussion of setting or making progress towards housing goals and connection to other resources must be documented by the emergency shelter and kept in the participant file.

HABITABILITY STANDARDS FOR EMERGENCY SHELTERS

Shelters receiving ESG program funds must meet HUD’s Minimum Habitability Standards for Emergency Shelters. A Minimum Habitability Standards Inspection must be conducted at the shelter annually. The inspection may be completed by a shelter employee and documentation provided to MFA. This may be done prior to contract renewal or as a part of an on-site monitoring visit.

LEAD-BASED PAINT REQUIREMENTS

All ESG-funded housing programs must incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the sub-recipient to screen for, disclose the existence of, and take reasonable precautions against the presence of lead-based paint in buildings built prior to 1978. However, there are specific requirements for shelters that are outlined in detail in the EHAP Program Manual as well as the annual EHAP Performance Agreement. Shelters must have a detailed policy to ensure that this process is followed and meets all applicable federal guidelines.

HOMELESS PREVENTION & RAPID RE-HOUSING STANDARDS

Homeless Prevention (HP) assistance includes housing relocation and stabilization services and/or short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph 1 of the homeless definition in 24 CFR 576. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing.

Rapid Re-Housing (RRH) assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the Uniform Relocation Act (URA), during the period of time covered by the URA payments.

ESG-CV funding must be used to prevent, prepare for and respond to Coronavirus. The act of keeping individuals and families out of shelters or out of places not meant for human habitation by providing Homeless Prevention assistance meets the funding requirements.

Housing those that are literally homeless also meets the ESG-CV for the same reasons.

PRIORITIZATION

HOMELESS PREVENTION

Programs must target households at greatest risk of homelessness and assist participants to increase household income during enrollment. Households must be prioritized using a standardized assessment policy that is applied consistently for all households presenting for need.

RAPID RE-HOUSING

Assistance targets and prioritizes homeless families who are most in need of temporary assistance and are most likely to achieve and maintain stable housing, whether subsidized or unsubsidized, after the program concludes. All sub-recipients are required to select program participants through the NMCES, in accordance with the prioritization system outlined in CoC RRH Written Standards that cover their program area.

ELIGIBLE PARTICIPANTS

HOMELESSNESS PREVENTION

- Individuals or families who meet HUD's definition of imminent risk or at-risk of homelessness. (see Appendix C)
- Homeless Prevention sub-recipients must only serve individuals and families that meet the ESG income limits of **below** 30% of the area median income (AMI) for the area. The income limit for ESG-CV recipients is at or below 50% of the area median income

RAPID RE-HOUSING

- Individuals or families who meet HUD's definition of homelessness. (see Appendix B)
- Income limits are not imposed for Rapid Re-Housing individuals or families upon intake however they must be **at or below** 30% of the area median income (AMI) for the area at annual recertification. The income limit for ESG-CV recipients is at or below 50% of area median income at annual recertification.
- ESG-CV assistance is limited to 12 months therefore an annual recertification would not apply to participants using this funding source.

RECORD KEEPING REQUIREMENTS

Sub-recipients must establish and follow written intake procedures to ensure compliance with HUD's Definition of Homelessness, Imminent Risk and At-Risk of Homelessness and recordkeeping requirements.

EVIDENCE OF HOMELESS STATUS

Sub-recipients must make effort to obtain documentation providing evidence of homeless status as stated in the Order of Priority for Obtaining Evidence of Homelessness (see Appendix D)

1. Individuals Residing in an Institution: For individuals residing in an institution (including a jail, substance abuse or mental health treatment facility, or hospital) for fewer than 90 days, acceptable evidence includes:
 - a) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution that demonstrates the person resided there for less than 90 days. All oral statements must be recorded by the intake worker; or
 - b) Certification from the person seeking assistance. Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in the paragraph above and a certification by the individual seeking assistance that states that they are exiting or have just exited an institution where they resided for less than 90 days; and
 - c) Evidence of literally homeless status prior to entry. Evidence that the individual was homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter, and was chronically homeless prior to entry into the institutional care facility (as defined in paragraph (1) of 25 CFR 578.3) (acceptable documentation listed above).

EVIDENCE OF AT-RISK OR IMMINENT RISK OF HOMELESSNESS STATUS

Sub-recipients must make effort to obtain documentation providing evidence of at-risk or imminent risk of homeless status in the order of priority listed below:

1. Source Documents: Notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears, a Notice to Quit or Notice to Terminate (see MFA RAP Program Manual).
2. Third Party Documentation: To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g. former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of "at risk of homelessness."

3. Intake Worker Observation: If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence.

SECURING AND MAINTAINING HOUSING

Sub-recipients will assist participants, to the maximum extent practicable, in reducing barriers to securing or maintaining housing, including connection to appropriate resources, efforts to resolve matters related to poor rental history or bad credit, and obtaining identification.

Sub-recipients will follow Housing First Principles. Participants will not be screened out for having too little or no income, a history of or active substance abuse, a criminal record (except for state mandated restrictions, or a history of victimization from domestic violence, sexual assault, or childhood abuse. Participants will not be terminated from the program for failure to participate in supportive services outside of the required monthly meeting with a case manager, failure to make progress on a service plan, loss of income or failure to improve income, or any other activity not covered in a lease agreement typically found for unassisted persons in the area.

RAPID RE-HOUSING

Sub-recipients will assist rapid re-housing program participants, to the maximum extent practicable, in identifying potential housing opportunities. Participants will select their own housing. Sub-recipients will not restrict housing choices, or deny assistance or services based on the participant's choice to accept or deny a housing opportunity.

Sub-recipients will establish clear and consistent policies and procedures that outline length of time that rapid rehousing program participants have to secure housing after program intake. Sub-recipients may grant extensions for a specific amount of time, for program participants that are actively addressing barriers to securing housing.

At program intake, sub-recipients will provide rapid re-housing program participants, in writing, of time limits for securing housing. If program participants do not secure housing within the established timeframe, they will be terminated from the program, in accordance with the sub-recipient's termination policy.

CONTINUED ELIGIBILITY

At a minimum, Homeless Prevention sub-recipients must re-evaluate program participant's eligibility and the types and amounts of assistance the program participant receives prior to the end of the second full month of rental assistance, and then not less than once every three months for the remainder of program enrollment.

The re-evaluation period for HP has been extended to not less than once every six months for the remainder of the program enrollment.

Rapid Re-Housing sub-recipients must re-evaluate program participant's eligibility and the types and amounts of assistance the program participant needs at least once annually. Annual re-evaluation for rapid rehousing will occur prior to the end of the eleventh full month of rental assistance. To continue to receive assistance, a program participant's re-evaluation must demonstrate eligibility based on:

LACK OF RESOURCES AND SUPPORT NETWORKS

The program participant's household must continue to lack sufficient resources and support networks to retain housing without ESG program assistance.

INCOME LIMITS

In addition, both HP & RRH re-evaluation must demonstrate that the program participant's annual household income is at or below the ESG limits of **below** 30% of the AMI for Homeless Prevention and **at or below** 30% of AMI for Rapid Re-Housing.

If ESG-CV funds are used for HP or RRH assistance, the income limit is at or below 50% AMI.

If a household is determined to be able to maintain permanent housing without assistance from the RRH program, the program will provide written and verbal notice to both the household and the landlord at a minimum of 30 days prior to program assistance ending.

CASE MANAGEMENT

Homelessness Prevention and Rapid Re-Housing program participants must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability. Additional case management will be provided on a case-by-case basis based on demonstrated need. (24 CFR 576.401)

Case managers should work with the program participant to develop a plan to assist the program participant in retaining permanent housing after the assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive, and the relative affordability of available housing in the community. Identification of housing goals outlined in their plan should be led by the participant, with support and information provided by the case manager.

While case managers may encourage trust and build relationships by discussing non-housing related topics with participants, the primary purpose and ultimate goal of all participant interactions should be

to ensure that the participant maintains permanent housing once assistance ends. Case managers will connect HP & RRH program participants to other federal, state, local, and private assistance as outlined under Standards Applicable to All Programs. Interactions with participants will be documented in participant files and include details about progress towards housing goals and connection to other resources.

If program participants do not meet with a case manager not less than once per month, it is the responsibility of the sub-recipient to continue to attempt in engaging with the participant, in an effort to identify the cause and begin meeting with the participant. If efforts to engage the participant are unsuccessful, this must be documented in the participant's file.

Case management assistance may not exceed 30 days during the period in which the program participant is seeking permanent housing and may not exceed 24 months during the period in which the program participant is living in permanent housing. Case management assistance will also be documented in NM-HMIS, in accordance with the NM-HMIS Standard Operating Procedures, or in the Osnum database (victim service providers).

CHILD SCHOOL ENROLLMENT AND CONNECTION TO SERVICES

Sub-recipients will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including Title 1, early childhood programs such as Head Start, and parts B and C of the Individuals with Disabilities Education Act. Sub-recipients that serve households with children will post publicly, and/or provide for households with children at intake, notice of education services available within the community, and document efforts to verify that children are enrolled in school and connected to appropriate services.

Rapid Re-Housing programs will also take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education.

RENTAL ASSISTANCE

Sub-recipients may provide program participants with up to 24 months of tenant-based or project-based rental assistance during any 3-year period. No program participant shall receive more than 24 months of rent during any 3-year period, administered by any CoC or ESG program within the state of New Mexico. Assistance may include any combination of short-term rental assistance (up to 3 months) and medium-term rental assistance (more than 3 months but less than 24 months). Applicants can return for rental assistance if they have received less than 24 months of rent during any 3-year period. In addition, program participants may receive funds for security deposits in an amount not to exceed two months of rent.

Assistance limits when using ESG-CV funds is limited to 12 months.

Each sub-recipient must meet the RFP or renewal criteria set by MFA each program year therefore funding is not automatically awarded beyond June 30. This should be taken into consideration when providing assistance that crosses over between program years.

Program participants receiving rental assistance may move to another unit or building and continue to receive rental assistance, as long as they continue to meet the program requirements.

Financial assistance cannot be provided to a program participant who is already receiving the same type of assistance through other public sources however, ESG funds may be used to provide different types of assistance from that being provided to the program participant. Program participants must still meet all of the eligibility requirements for ESG HP & RR.

Note: Rental arrears can be paid on behalf of a household receiving a subsidy from another public source (e.g. Section 8) because it represents a different time period and cost type than the rental subsidy (i.e. the arrears represent a back payment of the household portion and the current rental assistance is a forward payment).

AMOUNT OF RENTAL ASSISTANCE

It is expected that the level of assistance will be based on the goal of providing only what is necessary for each household to achieve housing stability in the long-term. Sub-recipients may provide up to 100% of the cost of rent to program participants and the maximum share of rent a program participant may pay is 100%.

INCOME VERIFICATION

All program participants will provide proof of income, or to certify that they have no income at program enrollment, when they provide notice that their income has changed, or at re-evaluation of program eligibility. HP & RRH sub-recipients will complete the HUD rent calculation form to determine the maximum portion that the participant may pay toward rent, to meet utility reimbursement requirements, and to support the completion of a needs assessment. Sub-recipients must follow guidelines found under 24 CFR 5.609 when calculating income.

Sub-recipients must require program participants to notify them regarding changes in their income or other circumstances that affect their need for assistance (e.g. changes in household composition, stability, or support).

RECORD KEEPING REQUIREMENTS

The following order of priority will be followed in collecting documentation to verify income:

1. Source Documents. Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g. wage statement, unemployment compensation statement, public benefits statement, bank statement).
2. Third Party Verification. A written statement by the relevant third party (e.g. employer, government benefits administrator, or the written certification by the sub-recipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available.
3. Self-Certification. If source documents and third-party verification are unobtainable, a written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

PARTICIPANT CONTRIBUTION TOWARD RENT

Program participants that have income are expected to contribute 30% of their monthly adjusted income (adjustment factors include the number of people in the family, age of family members) toward the rent.

If a household has a monthly income that covers more than the entire rental amount, they should be graduated from the program.

Sub-recipients must establish clear policies and procedures for determining the participant's contribution toward rent. Policies and procedures must be applied consistently to all program participants.

VAWA EMERGENCY TRANSFER PLAN

In accordance with HUD VAWA protections (24 CFR 5.2005), sub-recipients will develop a written VAWA Emergency Transfer Plan, based on HUD's [model emergency transfer plan](#) (HUD form 5381), that provides participants who report that they are under actual or imminent threat with the opportunity to secure safe housing. The VAWA Emergency Transfer Plan must include the following:

1. Unit Transfer - Program participants who have complied with all program requirements during their residence and who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third party, such as a friend or family member of the perpetrator of the violence), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain the rental assistance and will be moved, at their request, to another unit as

quickly as possible. See recordkeeping requirements to ensure proper documentation of imminent threat of harm (24 CFR 5.2005).

2. Notice of Occupancy Rights - Program participants must be provided with a “Notice of Occupancy Rights under the Violence Against Women Act” under the following circumstances:
 - a) at the time the applicant is denied assistance or admission under a covered housing program;
 - b) At the time the individual is provided assistance or admission under the covered housing program;
 - c) With any notification of eviction or notification of termination of assistance.(The “Notice of Occupancy Rights under the Violence Against Women Act” must be made available in multiple languages).
3. Prohibited Basis for Denial or Termination of Assistance or Eviction - An applicant for assistance through an ESG housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or participant otherwise qualifies for admission, assistance, participation, or occupancy.
4. Program participants may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:
 - a) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and
 - b) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

FAIR MARKET RENT

Household rent for participants receiving ESG-funded rental assistance must not exceed the Fair Market Rent established by HUD. Current FMR and guidelines for calculating rent are available online through the following link: <https://www.huduser.gov/portal/datasets/fmr.html>.

FMR requirements do not apply when a program participant receives only financial assistance or services under HUD’s Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of “last month’s rent,” utility payments/deposits, and/or moving costs, housing search and placement and housing stability case management.

The FMR requirement has been waived by HUD for until 9/30/2022 however all units must meet Rent Reasonableness

RENT REASONABLENESS

For participants receiving assistance rental assistance including rental arrears, household rent must comply with HUD's standard of rent reasonableness, meaning that the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. These rent restrictions are intended to help ensure that program participants can remain in their housing after their assistance ends. To make the determination, sub-recipients must consider (a) the location, quality, size and age of the unit and (b) any amenities, housing services, maintenance and utilities provided by the owner. Sub-recipients will evaluate rent reasonableness at program intake and at least once annually. Documentation of rent reasonableness evaluations must be kept in participant files. (24 CFR 576.106(d)). This requirement applies to HP and RR assistance.

As with FMR, rent reasonableness requirements do not apply when a program participant receives only financial assistance or services under HUD's ESG Housing Stabilization and Relocation Services.

MINIMUM HABITABILITY STANDARDS

Housing for all program participants receiving any type of ESG assistance to move into or remain in housing must meet HUD Minimum Habitability Standards for Permanent Housing. Sub-recipients must document compliance with this standard by signing and completing a current Minimum Habitability Standards Checklist before the participant signs the lease and before the sub-recipient provides any ESG rental assistance or services specific to the unit. In addition, sub-recipients must inspect all units at least annually upon recertification to ensure that the units continue to meet the minimum habitability standards. Inspection forms must be kept in the participant file. MFA may also inspect the unit as part of the monitoring process. (24 CFR 576.403(a))

LEAD-BASED PAINT REQUIREMENTS

All HUD-funded housing programs occupied by program participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions for the presence of lead-based paint in leased or assisted units constructed prior to 1978. (24 CFR 576.403(a))

ESG-funded programs are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit.

LEASE AGREEMENT

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit. The program participant must be the tenant on a lease and is renewable and terminable only for cause. The lease must be renewable for terms that are a minimum of one month. (24 CFR 576.106(g))

RENTAL ASSISTANCE AGREEMENT

In addition to a lease between the program participant and the owner, the ESG interim rule also requires a Rental Assistance Agreement between the sub-recipient and the property owner. The sub-recipient may make rental assistance payments only to an owner with whom the sub-recipient has entered into a rental assistance agreement. (24 CFR 576.106(e))

The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements of ESG assistance. In addition, the rental assistance agreement must provide the following:

1. During the term of the agreement, the owner gives the sub-recipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction against the program participant.
2. Agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:
 - a) The program participant moves out of the housing unit for which the program participant has a lease; or
 - b) The lease terminates and is not renewed; or
 - c) The program participant becomes ineligible to receive ESG rental assistance.

RENT PAYMENTS

Program participants receiving rental assistance funds pay their portion of rent directly to the landlord. The difference between the total rent and the amount paid by the program participant is then paid by the sub-recipient. Sub-recipients may not use ESG funds to cover the cost of the program participant's rent, if the program participant fails to pay his or her portion of rent.

Sub-recipients must make timely payments to each landlord or property owner in accordance with the rental assistance agreement. All rent payments must go directly to a third-party (directly to landlord). ESG funds may not be used for late penalties incurred by the sub-recipient or the participant once they are in the program.

APPENDIX A: ELIGIBLE ACTIVITIES BY ESG COMPONENT

STREET OUTREACH

ENGAGEMENT

Unsheltered persons are engaged for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. Eligible engagement activities include:

- Making an initial assessment of needs and eligibility using the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT)
- Providing crisis counseling
- Addressing urgent physical needs, such as providing meals, blankets, clothes or toiletries
- Actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs

CASE MANAGEMENT

Case management includes assessing housing and service needs, arranging, coordinating and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities include:

- Utilizing the NMCES
- Conducting the initial VI-SPDAT
- Verifying and documenting program eligibility
- Counseling
- Developing, securing and coordinating services
- Obtaining federal, state, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.
- If service workers use their own vehicles, mileage reimbursement is allowed to visit or assist program participants with eligible program activities.

SERVICES FOR SPECIAL POPULATIONS

Services for special populations include services for homeless youth, victim services, and services for people living with HIV/AIDS, as long as the costs of providing these services are one of the above eligible Street Outreach activities. The term “victim services” refers to services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

ESSENTIAL SERVICES

ESG funds may be used for the costs of providing essential services to homeless families and individuals in emergency shelters and may include:

Case Management

Case management includes assessing housing and service needs, arranging, coordinating and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities include:

- Utilizing the NMCES
- Conducting the initial VI-SPDAT
- Verifying and documenting program eligibility
- Counseling
- Developing, securing and coordinating services
- Obtaining federal, state, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability

Child Care

Childcare includes the costs of providing meals and snacks and comprehensive and coordinated sets of appropriate developmental activities. Children must be under the age of 13 unless they have a disability. Children with a disability must be under the age of 18. In addition, the childcare center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.

Education Services

When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED).

Eligible services or activities may include:

- Screening
- Assessment and testing
- Individual or group instruction
- Tutoring
- Provision of books, supplies, and instructional material
- Counseling
- Referral to community resources

Employment Assistance and Job Training

- Classroom, online, and/or computer instruction
- On-the-job instruction
- Services that assist individuals in securing employment including:
 - Employment screening, assessment or testing
 - Structured job skills and job-seeking skills
 - Special training and tutoring, including literacy training and pre-vocational training
 - Books and instructional material
 - Counseling or job coaching
 - Referral to community resources
 - Acquiring learning skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates
 - Increasing earning potential
 - Reasonable stipends to program participants in employment assistance and job training

Outpatient Health Services

Outpatient health services include the direct outpatient treatment of medical conditions that are provided by licensed medical professionals. ESG funds may be used only for these services to the extent that other appropriate health services are unavailable within the community. Eligible treatment options may include:

- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs

- Providing directly or assisting program participants to obtain appropriate medical treatment, preventative care, and health maintenance services, including emergency medical services
- Providing medication and follow-up services
- Providing preventative and non-cosmetic dental care

Legal Services

Legal services include the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the state in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing. ESG funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. Eligible subject matters include:

- Child support
- Guardianship
- Paternity
- Emancipation
- Legal separation
- Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking,
- Appeal of veterans and public benefit claim denials
- Resolution of outstanding criminal warrants

Eligible services or activities may include:

- Client intake
- Preparation of cases for trial
- Provision of legal advice
- Representation at hearings
- Counseling

Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the sub-recipient is a legal services provider and performs the services itself, the eligible costs are the sub-recipient's employee salaries and other costs necessary to perform the services. Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangements are ineligible costs.

Life Skills Training

Life skills training includes the costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness. These services must be necessary to assist the program participant to function independently in the community. Life skills training options may include:

- Budgeting resources
- Managing money
- Managing a household
- Resolving conflict
- Shopping for food and needed items
- Improving nutrition
- Using public transportation
- Parenting

Mental Health Services

Mental health services include the direct outpatient treatment by licensed professionals of mental health conditions. ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management. Eligible treatment options include:

- Crisis interventions
- Individual, family, or group therapy sessions
- The prescription of psychotropic medications or explanations about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems

Substance Abuse Treatment Services

Substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. ESG funds may only be used for these services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community. Eligible treatment options include:

- Client intake and assessment
- Outpatient treatment for up to 30 days.

Group and individual counseling and drug testing are eligible costs. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs.

Services for Special Populations

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, as long as the costs of providing these services are one of the eligible Emergency Shelter essential services listed above. The term “victim services” refers to services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Salaries

Salary for shelter employee whose hours are spent directly associated with the shelter clients, supervision of shelter employees or shelter office employees.

SHELTER OPERATIONS

Eligible expenses under Shelter Operations include:

- The costs of maintenance to the shelter building (including minor or routine repairs)
- Rent
- Security
- Office equipment/supplies
- Insurance
- Utilities
- Food
- Furnishings
- Supplies necessary for the operation of the shelter
- Salary for shelter employee that provides maintenance/security

Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual.

Transportation

Eligible transportation costs include a program participant’s travel to and from medical care, employment, childcare, or other eligible essential services facilities. These costs include the following:

- The cost of a program participant’s travel on public transportation, as well as travel to use public transportation

- If shelter employees use their own vehicles for this use, mileage reimbursement is allowed
- The cost of gas, insurance, taxes, and maintenance/repair for the shelter's vehicle used to transport program participants and/or staff serving program participants

HOMELESS PREVENTION AND RAPID-REHOUSING

Homeless Prevention assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph 1 of the “homeless definition” in 24 CFR 576. The costs of homeless prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participants current permanent house or move into other permanent housing and achieve stability in that housing

Rapid Re-Housing assistance includes 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.

HOUSING RELOCATION AND STABILIZATION SERVICES – FINANCIAL ASSISTANCE COSTS

Subject to the general conditions under the Homelessness Prevention Component (24 CFR 576.103) and the Rapid Re-Housing Assistance Component (24 CFR 576.104), ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

- **Rental Application Fees:** ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.
- **Security Deposits:** ESG funds may pay for a security deposit that is equal to no more than 2 months’ rent.
- **Last Month’s Rent:** If necessary to obtain housing for a program participant, the last month’s rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month’s rent. This assistance must not exceed one month’s rent and must be included in calculating the program participant’s total rental assistance, which cannot exceed 24 months during any 3-year period.
- **Utility Deposits:** ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed below (under utility payments)
- **Utility Payments:** ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.
- **Moving Costs:** ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving

housing stabilization services and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

HOUSING SEARCH AND PLACEMENT SERVICES

Assist participants in locating, obtaining, and retaining suitable permanent housing, including:

- Housing search
- Tenant counseling
- Understanding leases
- Arranging for utilities
- Making moving arrangements
- Assessment of housing barriers, needs and preferences
- Development of an action plan for locating housing
- Outreach to and negotiation with owners
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint, and rent reasonableness
- Assistance with submitting rental applications

HOUSING STABILITY CASE MANAGEMENT

Assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing by, for example:

- Conducting the initial VI-SPDAT or F-VI-SPDAT assessment, including verifying and documenting eligibility
- Using the Coordinated Entry System (NMCES)
- Counseling
- Developing, securing, and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability
- Conducting re-evaluations

MEDIATION

Mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

CREDIT REPAIR

Credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems.

SHORT-TERM AND MEDIUM-TERM RENTAL ASSISTANCE

Subject to the general conditions in 24 CFR 576.103 and 24 CFR 576.104, the recipient or sub-recipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance. Rental assistance may be tenant-based or project-based.

- Short-Term Rental Assistance: Short-term rental assistance is assistance for up to 3 months of rent.
- Medium-Term Rental Assistance: Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- Rental Arrears: Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.

HMIS/OSNIUM

These activities are designed to fund ESG sub-recipient participation in the HMIS collection and analyses of data on individuals and families who are homeless or at risk of homelessness. This includes data collected by victim service providers through Osnium. Eligible costs include:

- Purchasing or leasing hardware
- Purchasing software or software licenses
- Obtaining technical support
- Leasing office space
- Paying costs for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS
- Paying salaries for staff operating HMIS and/or completing data entry
 - a) Monitoring and reviewing data quality
 - b) Completing data analysis

- c) Reporting to the HMIS Lead training staff on using the HMIS or comparable database; and
- d) Implementing and complying with all applicable HMIS requirements
- Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training
- Salary for employee(s) whose hours can be tracked for entering data into the HMIS/Osnum database

APPENDIX B: HUD DEFINITION OF HOMELESSNESS 24 CFR 576.2

Category 1: Literally Homeless

Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation; or
- Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
- Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Category 2: Imminent Risk of Homelessness

Individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance; OR
- No subsequent residence has been identified; OR
- The individual or family lacks the resources or support networks needed to obtain other permanent housing

Category 3: Homeless Under Other Federal Statutes

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under the other listed federal statutes;
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and

- Can be expected to continue in such status for an extended period of time due to special needs or barriers

Category 4: Fleeing/Attempting to Flee DV

Any individual or family who:

- Is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking;
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing

APPENDIX C: HUD DEFINITION OF “AT RISK OF HOMELESSNESS”

Category 1: Individuals and Families

An individual or family who:

- Has an annual income below 30% (50% for ESG-CV) of the median family income for the area; AND
- Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; and

Meets one or more of the following risk factors:

- Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; or
- Is living in the home of another because of economic hardship; or
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; or
- Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; or
- Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; or
- Is exiting a publicly funded institution or system of care

Category 2: Unaccompanied Children and Youth

A child or youth who does not qualify as homeless under the homeless definition but qualifies as homeless under another federal statute.

Category 3: Families with Children and Youth

An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.

The standards set in this document comply with ESG regulations.

APPENDIX D: ORDER OF PRIORITY FOR OBTAINING EVIDENCE OF HOMELESSNESS

The recordkeeping requirements found in 24 CFR 576.500(a)(b) require sub-recipients to maintain and follow written intake procedures to determine whether potential program participants meet the homeless definition found in 24 CFR 576.2. These procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

The procedures that must be followed to establish the order of priority for obtaining evidence of homelessness are as follows:

1. Third-party documentation, including written and source documentation, and HMIS records;
2. Intake worker observations;
3. Certification from individual seeking assistance

For emergency shelters, sub-recipients are required to document eligibility at program entry. HUD recognizes that third-party documentation at the emergency shelter level is not feasible in most cases. For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants may stay more than one night, then documentation must be obtained on the first night the household stays in the shelter. Emergency shelters can document homeless status through self-certification by the individual or head of household as the primary method of establishing homeless eligibility. In these instances, one method of meeting this standard would be to require households to complete a sign-in sheet, with a statement at the top informing the individual or head of household that by signing, they certify that they are homeless.

APPENDIX E: ESG-CV FUNDING FOR SHELTERS

ESG CARES Act (ESG-CV) funding must be used to prevent, prepare for and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance. The only ESG regulation pertaining to emergency shelters that does not apply to ESG-CV funding is the requirement for shelters to match the funding they receive.

ESG CV - WAIVERS AND EXCLUSIONS FOR RAPID RE-HOUSING & HOMELESS PREVENTION

HUD has granted waivers on specific regulations due to COVID-19. The waivers are in place until 9/30/2022.

CARES Act funding for Emergency Solutions Grant funds must be used to prevent, prepare for and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homeless prevention activities to mitigate the impacts created by coronavirus.

All ESG CARES Act funds must be expended by September 30, 2022. Funds not expended in a timely manner may be redirected to another area/service provider.

AT-RISK OR IMMINENT RISK OF HOMELESSNESS

If assistance is provided with ESG-CV funds, the income limit has been increased to the Very Low-Income Limit of 50% of the area median income for those at-risk of homelessness (definition at 24 CFR 576.2).

RE-EVALUATION FREQUENCY

The required frequency of re-evaluations for homeless prevention assistance under section 576.401(b) is waived for up to 2 years beginning 3/31/2020 so long as the subrecipient conducts the required re-evaluation not less than once every 6 months. This waiver expires 9/30/2022.

LANDLORD INCENTIVES

The limitations on eligible activities under section 415(a) of the McKinney-Vento Act and 24 CFR 576.105 are waived and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used under 24 CFR 576.105 to add the eligible cost of paying for landlord incentives as reasonable and necessary to obtain housing for individuals and families experiencing homelessness and at risk of homelessness. However, a recipient may not use ESG-CV funds to pay the landlord incentives set forth below in an amount that exceeds three times the rent charged for the unit. Waiving the limitation on eligible costs under housing relocation and stabilization services to pay for the costs of landlord incentives will increase the number of housing units available to people experiencing homelessness or at risk of homelessness, especially in tight rental markets and obtaining and maintaining housing is critical to preventing the spread of coronavirus and helping mitigate the economic impact of the crisis. The limitation to three times the rent charged for each unit ensures enough ESG-CV funds remain available to provide other eligible activities necessary to prevent the spread of coronavirus. Eligible landlord incentive costs include:

- a) Signing bonuses equal to up to 2 months of rent;

- b) Security deposits equal to up to 3 months of rent;
- c) Paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit; and,
- d) Paying the costs of extra cleaning or maintenance of a program participant's unit or appliances.

The incentive is for use with new units only and should not be used for clients that are already housed.

Sub-recipients must consult local and state laws to determine if the incentives align with laws governing what can be charged by property owners/landlords.

SHORT-TERM AND MEDIUM-TERM RENTAL ASSISTANCE

Where medium-rental assistance is defined as “for more than 3 months but not more than 24 months of rent” is waived and an alternative requirement is established where medium-term is established as for more than 3 months but not more than 12 months. This alternative requirement will allow more households to receive rapid re-housing and homelessness prevention assistance, which is necessary to prevent, prepare for, and respond to coronavirus.

Rental arrears is included in the limitation therefore a household can only be assisted with 6 months of arrears and 6 months of rental assistance if ESG-CV funding is used.

FAIR MARKET RENT

The requirement at 24 CFR 576.106(d) that prohibits rental assistance where the rent for the unit exceeds the Fair Market Rent established by HUD, as provided under 24 CFR Part 888, is waived so long as the rent complies with HUD's standards of rent reasonableness, as established under 24 CFR 982.507. Waiving this requirement will allow recipients to help program participants move quickly into housing or retain their existing housing, which is especially critical at reducing the spread of coronavirus and responding to coronavirus. This waiver provides additional flexibility beyond the waiver made available to the ESG Program on March 31, 2020 and extended to ESG-CV funds on September 30, 2022 by permitting ESG recipients to provide rental assistance for program participants, whose current rent exceeds FMR and by allowing recipients to use this waiver as needed throughout the period they are providing rental assistance to prevent, prepare for, and respond to coronavirus.

ASSISTANCE LIMITS

In order to ensure current program participants receiving homelessness prevention and rapid re-housing assistance do not lose their housing during the coronavirus public health crisis and the subsequent economic downturn caused by the crisis, the requirements in 24 CFR 576.105(c) and 576.106(a) are waived and alternative requirements are established as follows:

- a. The requirement at 24 CFR 576.105(c) limiting the total period of time for which any program participant may receive the services under paragraph (b) to 24 months during any 3-year period is waived solely for those program participants who reach their 24-month maximum assistance during the period beginning on the presumed start of this crisis, January 21, 2020 – the date the first confirmed case was reported in the United States, and ending 6 months from the date of publication of this Notice, provided that the services are only extended for these program participants for up to a maximum of an additional 6 months; and
- b. The requirement at 24 CFR 576.106(a) limiting the total number of months a program participant can receive rental assistance to 24 months in a 3-year period is waived solely for those program participants who reach their 24-month maximum during the period beginning on the presumed start of this crisis, January 21, 2020 – the date the first confirmed case was reported in the United States, and ending 6 months from the date of publication of this Notice, provided that the rental assistance is only extended for these program participants for up to a maximum of an additional 6 months.

HOUSING STABILITY CASE MANAGEMENT

As required by 24 CFR 576.401(a) and (c), the recipient and its subrecipient must determine the available services and assistance that each ESG-CV program participant will need to achieve independent living and avoid further housing instability or homelessness, and the recipient and its subrecipient must assist each ESG-CV program participant, as needed, to obtain those services and assistance. However, HUD is making an across-the-board waiver of the ESG requirement in 24 CFR 576.401(e)(1) that housing stability case managers to meet not less than once per month with each program participant receiving homelessness prevention or rapid re-housing assistance.

HUD is waiving this requirement for all program participants receiving this assistance after qualifying as homeless, in order to be consistent with the CARES Act prohibition stated in section III.F.10.

Additionally, HUD is waiving the requirement for all program participants receiving assistance after qualifying as at risk of homelessness, in order to prevent the spread of coronavirus and reduce the barriers to providing the homelessness prevention that is necessary to respond to coronavirus. This waiver provides additional regulatory relief beyond the waiver HUD made available on March 31, 2020 for annual ESG funds and extended on September 30, 2022 for annual ESG funds and ESG-CV funds, by lifting the 3-month limitation established May 22, 2020, and making the waiver of 24 CFR 576.401(e)(1) apply throughout the period the recipient or subrecipient uses funds to prevent, prepare for, and respond to coronavirus.