

## Grantee Appendices

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# PART A

**NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
FOR THE DRAFT 2023 ANNUAL ACTION PLAN**

New Mexico Mortgage Finance Authority (MFA) and the Department of Finance and Administration, Local Government Division (DFA) are seeking public comment on the proposal of the 2023 Draft Annual Action Plan. The public comment period will begin on March 20, 2023, and end on April 20, 2023. A hybrid virtual and in-person public hearing will be held on April 17, 2023, at 10:00 a.m. The action plan governs administration of federal funding appropriated for housing and community development activities that benefit low and moderate income persons throughout the State of New Mexico.

This 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 Housing Trust Fund (HTF). The 2023 Annual Action Plan outlines one year goals for the period beginning July 1, 2023 and ending June 30, 2024. These funds may be used for activities including but not limited to public facilities, infrastructure improvements, affordable housing development or preservation, economic development, homelessness prevention, rapid rehousing and program administration. The HOME, ESG, HOPWA and HTF programs are administered by MFA, and CDBG program is administered by DFA.

The draft 2023 Annual Action Plan is available on MFA's website at:

<https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

and on DFA's website at:

<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

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). Additionally, the documents may be provided in alternative formats (i.e., Braille/large print, audio tape) for the disabled and may 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 virtual or in-person public hearing on April 17, 2023, at 10:00 a.m. via webcast at <https://housingnm.org/meetings-events-notices> or in person at MFA's office to provide comments.

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 MFA toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@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.

Citizens, interested agencies, and for-profit and nonprofit organizations may provide comments at any time during the public comment period, which will begin on March 20, 2023, and end at 11:59 p.m. MDT, April 20, 2023. Written comments and/or questions may be directed to Sherry Stephens 505-767-2250 or toll free 1-800-444-6880; fax: 505-243-3289; e-mail: [sstephens@housingnm.org](mailto:sstephens@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 citizen views are not accepted, provide reasons for the decision. This documentation will be attached to the 2023 Action Plan and submitted to HUD.

## ATENCIÓN DE AUDIENCIA PÚBLICA Y PERÍODO DE COMENTARIOS PÚBLICOS PARA EL PROYECTO DE PLAN DE ACCIÓN ANUAL 2023

La Autoridad de Financiamiento Hipotecario de Nuevo México (MFA) y el Departamento de Finanzas y Administración, División de Gobierno Local (DFA) están buscando comentarios públicos sobre la propuesta del Borrador del Plan de Acción Anual 2023. El período de comentarios públicos comenzará el 20 de marzo de 2023 y finalizará el 20 de abril de 2023. Una audiencia pública híbrida virtual y en persona se llevará a cabo el 17 de abril de 2023 a las 10:00 a.m. El plan de acción rige la administración de los fondos federales asignados para actividades de vivienda y desarrollo comunitario que benefician a personas de ingresos bajos y moderados en todo el estado de Nuevo México.

Este financiamiento federal incluye los siguientes programas: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA) y Housing Trust Fund (HTF). El Plan de Acción Anual 2023 describe los objetivos de un año para el período que comienza el 1 de julio de 2023 y finaliza el 30 de junio de 2024. Estos fondos pueden usarse para actividades que incluyen, entre otras, instalaciones públicas, mejoras de infraestructura, desarrollo o preservación de viviendas asequibles, desarrollo económico, prevención de personas sin hogar, realojamiento rápido y administración de programas. Los programas HOME, ESG, HOPWA y HTF son administrados por MFA, y el programa CDBG es administrado por DFA.

El borrador del Plan de Acción Anual 2023 está disponible en el sitio web de MFA en:

<https://housingnm.org/resources/plans-and-reports/nm-annual-action-plan>

y en el sitio web de DFA en: <https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>

Si no puede descargar el borrador del Plan de acción, comuníquese con MFA para solicitar una copia (505-843-6880 o al número gratuito 1-800-444-6880). Además, los documentos pueden proporcionarse en formatos alternativos (es decir, Braille / letra grande, cinta de audio) para discapacitados y pueden traducirse al español para personas de habla hispana con dominio limitado del inglés (LEP), previa solicitud.

Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden asistir a una audiencia pública virtual o en persona el 17 de abril de 2023 a las 10:00 a.m. a través de webcast a las <https://housingnm.org/meetings-events-notice> o en persona en la oficina de MFA para proporcionar comentarios.

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar, comuníquese con MFA al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@housingnm.org) TTY: 1-800-659-8331 para inglés y 1-800-327-1857 para español; New Mexico Mortgage Finance Authority, 344 Fourth St. SW, Albuquerque, NM 87102. Las adaptaciones se pueden hacer dentro de las 48 horas de aviso para los participantes que no hablan inglés y las personas con discapacidades llamando al 505-843-6880.

Los ciudadanos, las agencias interesadas y las organizaciones con fines de lucro y sin fines de lucro pueden proporcionar comentarios en cualquier momento durante el período de comentarios públicos, que comenzará el 20 de marzo de 2023 y finalizará a las 11:59 p.m. MDT, 20 de abril de 2023. Los comentarios y / o preguntas por escrito pueden dirigirse a Sherry Stephens 505-767-2250 o al número gratuito 1-800-444-6880; fax: 505-243-3289; correo electrónico: [sstephens@housingnm.org](mailto:sstephens@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 MFA preparará un resumen de todos los comentarios recibidos por escrito y, en los casos en que no se acepten las opiniones de los ciudadanos, proporcionará las razones de la decisión. Esta documentación se adjuntará al Plan de Acción 2023 y se presentará a HUD.

## PART B

# PART C

# **New Mexico Citizen Participation Plan**

## **I. INTRODUCTION**

In 1994, the US Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting, and citizen participation processes of four formula grant programs: Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The new planning process was intended to comprehensively fulfill three basic goals: provide decent housing, provide a suitable living environment and expand economic opportunities.

The Consolidated Plan involves a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans and submitting annual performance reports. These three parts are intended to furnish the framework whereby New Mexico can identify housing, homeless, community, and economic development needs, identify resources (under the above named HUD programs) that will be utilized and actions to be taken to address the needs, as well as look back and evaluate the state's progress toward achieving strategic goals. Programs and activities range widely from public facilities to housing development, homeless shelters or services and many other actions designed to meet the strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures program funding. In addition, HUD guidelines require New Mexico to analyze impediments to fair housing choice, publish the study and report on actions taken to address those impediments. The Analysis of Impediments to Fair Housing Choice demonstrates the state's efforts to affirmatively further fair housing during a period covered by the Consolidated Plan.

The precursor to the Consolidated Plan is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of New Mexico, particularly persons of low and moderate income, persons living in slum and blight areas, units of local government, housing agencies and other interested parties, are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan, the Annual Action Plan, any amendments to the Consolidated Plan or Annual Action Plan, and the Consolidated Annual Performance and Evaluation Report, as well as the Analysis of Impediments to Fair Housing Choice.

The CPP sets forth general policies and procedures for implementing and carrying out the Consolidated Plan process and the fair housing study's preparation, such as how the Consolidated Plan will be developed, dates and milestones along which the process will proceed and methods for citizens to offer the state assistance and guidance in the formulation of the Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in HUD's rules for the Consolidated Plan, the HOME program, the CDBG program, the ESG program, the HOPWA program, and the National Housing Trust Fund (HTF) program. New Mexico Mortgage Finance Authority (MFA) administers HOME, ESG, HOPWA, and HTF funds. Local Government Division, Community Development Bureau within the New Mexico Department of Finance and Administration (DFA) administers CDBG resources. MFA is the lead agency for developing the Consolidated Plan, Action Plan, and Consolidated Annual Performance and Evaluation report.

To ensure maximum participation in the Consolidated Plan process among all populations, needs groups, and in order to ensure that their issues and concerns are adequately addressed, MFA and DFA will follow the standards set forth in its adopted Citizen Participation Plan during development of its Consolidated Plan, Action Plan and Annual Performance Report. Those standards of participation will also apply to the Analysis of Impediments to Fair Housing Choice.

The program year for all documents covered by this plan begin annually on July 1 and end on June 30.

## II. TYPES OF PARTICIPATION

### A. CONSOLIDATED PLAN AND ANNUAL ACTION PLAN

The Consolidated Plan is a five (5) year plan that identifies the needs of low-income persons and areas of the state of New Mexico and sets forth a five (5) year strategy to address those needs, primarily utilizing federal housing and community development funds. The Annual Action Plan identifies the specific needs to be addressed with that funding each year based on the priorities established in the Consolidated Plan's five (5) year strategy.

#### 1. Preparation

In order to identify the needs of low-income persons and areas of the state of New Mexico, priorities must be set in order to decide which of the identified needs should get the highest priority for funding. In order to solicit community input, which is essential to determining these needs and priorities, the state of New Mexico will:

- Create and utilize a survey to obtain community input on the state's housing and community development needs for the Consolidated Plan process.
- Conduct stakeholder interviews for the Consolidated Plan process with local public agencies that assist low-income persons and areas, including MFA and DFA staff and government agencies; as well as with private agencies, including local non-profit service providers and advocates such as health agencies, homeless service providers, non-profit housing developers and social service agencies (including those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, persons with substance abuse problems, etc.).
- Conduct one (1) or more focus group meetings for the Consolidated Plan process to solicit input on needs and priorities.
- Solicit proposals from local governments for CDBG funded infrastructure projects that meet local community needs based partly on community outreach by applicants for such funding. (Applicants must hold at least two publicly advertised citizen participation meetings prior to submitting an application to DFA for CDBG infrastructure funds. Public notices must include a print notice published in at least one (1) local newspaper of general circulation or post notices in prominent locations at least ten (10) days prior to the citizen participation meetings.)
- Issue a public notice for a public hearing on the needs of the community to inform the Consolidated Plan and/or Annual Action Plan.
- Develop an assessment of needs in the state of New Mexico as well as a strategic plan to address those needs as part of the Consolidated Plan process.
- Issue a public notice announcing the release of a complete draft of the Consolidated Plan and/or Annual Action Plan, a thirty (30) day review and comment period of the complete draft, and a public hearing to take place during the review and comment period.
- Take appropriate actions to encourage participation of all New Mexico residents, including minorities and non-English speaking persons, as well as persons with disabilities.



## 2. Adoption

As noted above, the state of New Mexico will provide several opportunities for citizen involvement in the Consolidated Plan process prior to adoption. These include:

- One (1) or more focus group meetings on needs and priorities for the Consolidated Plan process.
- A public notice for the public hearing on the needs of the community to inform the Consolidated Plan and/or Annual Action Plan and a separate public notice announcing the release of a complete draft of the Consolidated Plan and/or Annual Action Plan, a thirty (30) day review and comment period of the complete draft, and a public hearing to take place during the review and comment period. Published notices will be in the Albuquerque Journal, the Santa Fe New Mexican, Roswell Daily, Farmington Daily Times, Las Vegas Optic, Eastern New Mexico News and Las Cruces Sun News, and on MFA's website (<http://www.housingnm.org/>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>) at least seven (7) days in advance of the hearing. The notice will list the locations where the document(s) will be available for review.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be available at MFA and DFA offices and on MFA's and DFA's websites.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be made accessible to persons with disabilities upon request.
- In preparing the Final Consolidated Plan and/or Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearings or submitted in writing during the review and comment period. The final documents will have a section that presents all comments and explains why any comments were not accepted.
- At the end of the thirty (30) day comment period, the state of New Mexico will consider any comments and finalize the Consolidated Plan and/or Annual Action Plan.

## 3. Amendments

The Consolidated Plan and Annual Action Plan will be amended whenever there is a change in one (1) of the priorities presented on the HUD-required Priority Table; a change in the use of money to an activity not mentioned in the final Annual Action Plan; or a change in the purpose, location, scope or beneficiaries of an activity (described more fully later). The public will be notified whenever there is a "substantial" amendment as defined below:

- Changing the priorities contained in the Five (5) Year Strategic Plan of the Consolidated Plan.
- Funding of a goal not described in the Annual Action Plan.
- Any change in the described method of distributing funds in the Annual Action Plan to local governments or nonprofit organizations to carry out activities. Elements of a method of distribution are:
  - Application process;
  - Resource allocation method;
  - Threshold factors;

- Grant size limits; and
- Criteria selection.

Any changes in federal funding level after the Consolidated Plan's draft comment period has expired and the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

There must be reasonable notice of a proposed substantial amendment so that residents of the affected areas of the state will have an opportunity to review it and comment on it. Notice will be made according to the procedures described herein with the addition of the following procedures specifically for substantial amendments:

- Issue a public notice upon release of the proposed substantial amendment announcing a thirty (30) day review and comment period and a public hearing regarding the proposed substantial amendment after the review and comment period. Published notices will be in the Albuquerque Journal, the Santa Fe New Mexican, Roswell Daily, Farmington Daily Times, Las Vegas Optic, Eastern New Mexico News and Las Cruces Sun News, and on MFA's website (<http://www.housingnm.org/>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>) at least seven (7) days in advance of the hearings.
- Include a section in the final substantial amendment that presents all comments, plus explanations why any comments were not accepted.

In the event of certain disasters, public health orders, or emergencies, HUD may provide waivers and alternative requirements relative to public notification processes. In such events MFA or DFA will follow any waivers to expedite notifications for delivery to the community. It may be necessary to amend the Consolidated Plan or Annual Action Plan in the event of an emergency such as a natural disaster. These amendments may include funding activities outside of the method of distribution process described in the Annual Action Plan and/or reprogramming funds to meet community development needs that have a particular urgency. Therefore, the state of New Mexico, acting through MFA, may utilize HOME, HTF, ESG and HOPWA funds to meet an urgent need without the normal public comment period, which is otherwise required for substantial amendments. DFA, through its Community Development Bureau, may administer CDBG funds for urgent needs in a similar fashion.

To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the state of New Mexico certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The state and MFA or DFA are unable to finance the activity on its own; or
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it is developed or became critical within 18 months preceding MFA's or DFA's certification.

## B. CONSOLIDATED ANNUAL PERFORMANCE REPORT

Every year, the state of New Mexico must submit to HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within ninety (90) days of the close of the program year. In general, the CAPER

must describe how funds were actually used and the extent to which these funds were used for activities that benefited low-income people.

- There will be seven (7) days advance public notice of the availability of the CAPER prior to a public hearing.
- There will be a public hearing regarding the CAPER after a fifteen (15) day public review period.
- The final CAPER will have a section that presents all comments, plus explanations why any comments were not accepted.

### C. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

HUD guidelines require New Mexico to analyze impediments to fair housing choice, publish the study and report on actions taken to address those impediments. The Analysis of Impediments to Fair Housing Choice demonstrates the state's efforts to affirmatively further fair housing during a period covered by the Consolidated Plan. MFA will publish Analysis of Impediments and reporting on actions to address those impediments to the website at <http://www.housingnm.org/>.

## III. PUBLIC NOTICE

### A. PUBLIC NOTICE REQUIREMENTS

There shall be advance public notice once any of the following documents are available: the Annual Action Plan or Consolidated Plan, any proposed substantial amendment(s) to the Action Plan or Consolidated Plan and the Consolidated Annual Performance and Evaluation Report (CAPER). Public notice requirements are in previous sections.

### B. FORMS OF PUBLIC NOTICE

Staff will ensure adequate advance notice of all public hearings. Adequate notice will include:

- Printing notices in newspapers representative of the state of New Mexico's population and geography at least seven (7) days prior to the public hearings.
- Posting notices on MFA's website (<https://housingnm.org/meetings-events-notice>) and DFA's website (<https://www.nmdfa.state.nm.us/local-government/community-development-bureau/new-mexico-action-plan/>).

## IV. PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the State's responses to public questions and proposals. Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan. Public hearings will be held at MFA's offices at 344 Fourth Street SW in Albuquerque and may be held virtually for those who cannot travel or for personal comfort. However, the final approval and adoption of the Annual Action Plan, Consolidated Plan and CAPER will be conducted at MFA's offices. Public hearings must be held at locations that are accessible to people with disabilities and provisions will be made for people with disabilities when requests are made at least five (5) working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five (5) working days prior to a hearing.

## V. PUBLIC ACCESS TO INFORMATION

As required by law, the state of New Mexico will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual, and past use of funds covered by this Citizen Participation Plan in addition to the Analysis of Impediments. Staff will also provide reasonable public access to records about any uses of these funds during the previous five (5) years.

Also, as required by law, the state of New Mexico will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds (such as MFA Board meetings).

### A. HUD DOCUMENTS

HUD Documents described in this section include:

- Annual Action Plan;
- Consolidated Plan;
- Consolidated Annual Performance Evaluation Report (CAPER);
- Substantial amendments to the Annual Action Plans, the Consolidated Plan, the Consolidated Annual Performance and Evaluation Reports or the Citizen Participation Plan; and
- The Analysis of Impediments to Fair Housing Choice.

### B. AVAILABILITY OF HUD DOCUMENTS

In the interest of encouraging public participation, copies of HUD Documents will be provided to the public at no cost and within one (1) week of a request. These materials will be available in a form accessible to persons with disabilities, when requested.

### C. LOCATION OF DOCUMENTS

HUD Documents will also be available for viewing at the following locations during respective and applicable review periods:

New Mexico Mortgage Finance Authority  
344 Fourth St. SW, Albuquerque, NM 87102  
Telephone: (505) 843-6880  
TTY: 1-800-659-8331 for English and 1-800-327-1857 for Spanish

## VI. COMMENT PROCEDURES

The state of New Mexico will provide a period of at least thirty (30) days to receive comments on the draft Consolidated Plan and on any substantial amendments. The thirty (30) day period may start on the date the document is available to the public. The state of New Mexico must also provide public notice regarding the availability of documents and dates of the thirty (30) day comment period. For performance reports, the state of New Mexico will provide at least fifteen (15) days to receive public comments.

The state of New Mexico will consider all comments received, and all comments and responses will be attached to each document.

## VII. COMPLAINTS AND GRIEVANCES

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the programs MFA and DFA administer. Complaints should be in writing, specific in subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan.
- The administering agency has purportedly violated a provision of federal CDBG, ESG, HOME, HOPWA or HTF program regulations.
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at the community meetings and/or public hearings. All public comments, including complaints and grievances, made either orally or in writing within the 30-day public comment period, will be included in the final Consolidated Plan or Annual Action Plan. Such complaints or grievances for HOME, HOPWA, HTF or ESG shall be directed to the Consolidated Plan representative at MFA. Such complaints or grievances regarding CDBG shall be directed to the Bureau Chief by contacting DFA at 505-827-4974 or 505-827-4950. MFA or DFA will respond to all complaints, in writing, within fifteen (15) days.

## VIII. ACCOMMODATION OF PERSONS WITH SPECIAL NEEDS

The state of New Mexico complies with the Americans with Disabilities Act and will make accommodations for persons with special needs. Public hearings and the review of Consolidated Plan documents will be held at MFA's office or virtually, which is accessible to people with disabilities, or another accessible location. Additional provisions will be made for people with disabilities when requests are made at least five (5) working days prior to a hearing. Translators will also be provided for people who do not speak English when requests are made at least five (5) working days prior to a hearing.

## PART D

# PART E

# PART F



## **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.

<b>RENTAL Activity</b>	<b>Average Per-Unit HOME</b>	<b>Minimum Affordability Period</b>
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 G

# 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](http://nmceh.org) or email [info@nmceh.org](mailto: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.

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## 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.

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## 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.

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## 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.

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## 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/Osnum

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 on 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

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## 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.

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## 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).



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## 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. However, if the first month's rent is prorated, clients are not required to contribute 30% towards the rent. It is acceptable for service providers to contribute the full amount of the prorated rent. This only applies to Rapid Rehousing clients.

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.

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## 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.

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## 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

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## 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

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## 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.

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## 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.

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## 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

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 and Homeless Prevention

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

Emergency Solutions Grant CARES Act funding 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.

### INCOME LIMITS

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). Income limits do not apply to Rapid Re-housing clients upon entry into the program however they do apply at annual recertification.

### 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 two 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 2 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.

To support these costs, the sub-recipient must determine and document that each of these costs is reasonable under the program participants particular circumstances, and not more than is necessary to house the program participant.

## 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.

## RENTER INSURANCE

The limitations on eligible activities provided in 24 CFR 576.105(a) are waived to the extent necessary to authorize ESG-CV funds to pay for renters insurance for program participants receiving rapid re-housing or homelessness prevention assistance. In order to pay for renters insurance for program participants, the recipient or subrecipient must:

- (i) demonstrate that the payment of renters insurance is necessary to obtain or maintain housing (e.g., the landlord requires renters to have renters insurance to reside in the unit); and
- (ii) pay the renters insurance directly to the insurance company on behalf of the program participant.

Recipients and subrecipients report that some landlords require their renters to carry renters insurance and many program participants do not have the funds available to pay for renters assistance. Therefore, in these cases when renters insurance is required by a landlord, this waiver and alternative requirement is necessary to help program participants obtain and maintain housing, which is necessary to both prevent the spread of coronavirus and help program participants obtain and maintain housing in tight rental markets during the economic downturn caused by coronavirus.

## TRAINING

As permitted by the CARES Act, ESG-CV funds may be used for training on infectious disease prevention and mitigation for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness and the use of funding shall not be considered administrative costs for purposes of the 10 percent cap. In addition, the limitations on eligible activities provided in section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR part 576, subpart B are waived, and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used for training on infectious disease prevention and mitigation for homeless assistance providers, including those who do not receive funding through the CARES Act, to help them best prevent,

prepare for and respond to coronavirus among persons who are homeless or at risk of homelessness. These training costs are eligible as a standalone activity and are not to be charged to an activity under 24 CFR 576.101 to 24 CFR 576.109.

## VACCINE INCENTIVES

The limitations on eligible activities provided in Section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR Part 576, Subpart B are waived to the extent necessary to authorize recipients and subrecipients to make direct, cash payments of up to \$50 per dose to people experiencing homelessness as an incentive for receiving a coronavirus vaccine. ESG-CV funds may only be used for vaccine incentives to the extent that other vaccine incentives are inaccessible or unavailable to people experiencing homelessness within the community. Receiving the vaccine is critical to preventing the spread of coronavirus. However, getting vaccinated, including following up with the second dose required by some of the available vaccines, can be particularly challenging for people who do not have a stable place to call home. Research has demonstrated that providing incentives to people, including those experiencing homelessness, to receive vaccines increases the uptake of vaccination. Therefore, this waiver and alternative requirement is necessary to assure people experiencing homelessness receive vaccination and prevent the spread of coronavirus.

## VOLUNTEER INCENTIVES

The limitations on eligible activities provided in section 415(a) of the McKinney-Vento Homeless Assistance Act and 24 CFR part 576, subpart B are waived and alternative requirements are established to the extent necessary to authorize ESG-CV funds to be used under 24 CFR 576.101(a), 24 CFR 576.102(a)(1), and 24 CFR 576.105(b) for the cost of providing reasonable incentives to volunteers (e.g., cash or gift cards) who have been and are currently helping to provide necessary street outreach, emergency shelter, essential services, and housing relocation and stabilization services during the coronavirus outbreak. Waiving this requirement to allow the payment of reasonable costs of volunteer incentives will increase the number of people available to provide the needed services and connections to housing to individuals and families experiencing homelessness to prevent the spread of coronavirus.

## LEGAL SERVICES

Legal services established in 24 CFR 576.102(a)(1)(vi) and 24 CFR 576.105(b)(4) are limited to those services necessary to help program participants obtain housing or keep a program participant from losing housing where they currently reside.

## HAZARD PAY

As permitted by the CARES Act, funds may be used to pay hazard pay for recipient- or subrecipient-staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness. Examples of recipient or subrecipient staff working directly in support of coronavirus response include emergency shelter intake staff, street outreach teams, emergency shelter maintenance staff, emergency shelter security staff, staff providing essential services (e.g., outpatient health or mental health, housing navigators), and staff in proximity to persons with coronavirus or working in locations with a high likelihood of contracting coronavirus.



## Eligibility for Hazard Pay

ESG-CV funds can be used to provide hazard pay for new or existing staff who provide direct services to program participants. This includes:

- Street outreach and emergency shelter staff
- Staff providing essential services (e.g., housing navigators, mental health staff)
- Those who work in proximity to COVID (e.g., maintenance, kitchen, and security staff)

Staff are eligible for hazard pay regardless of whether their salary is funded by ESG, ESG-CV, or CoC funds.

### Administering Hazard Pay:

- Adding it to an employee's base pay
- Giving it as a one-time bonus

### Budgeting:

- Eligible under ESG Street Outreach, Emergency Shelter, Homelessness Prevention and Rapid Rehousing components

### Record Keeping Requirements:

- Timesheets
- Job Descriptions
- Updated Written Compensation Policies

### Hazard Pay Policy Requirements:

Written policies must include:

- Amount
- Length of Time
- Who is eligible
- How is this determined
- Record keeping procedures

Hazard Pay must also:

- Be reasonable and equitable (e.g., allocated to all related activities, including federal awards)
- Reflect your written compensation policies

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## 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.

## PART H

**Proposed HOME Median Area Purchase Prices - 2023**

County Name	1-Unit Existing Home Sales			1-Unit New Home Sales		
	HUD Limits*	MFA Median	MFA 95% of Median	HUD Limits*	MFA Median	MFA 95% of Median
Los Alamos County	\$366,000	\$486,600	\$462,270	\$366,000	No Sales	
Santa Fe County	\$347,000	\$635,000	\$603,250	\$347,000	\$725,000	\$688,750
Taos County	\$298,000	\$425,000	\$403,750	\$298,000	\$500,000	\$475,000

Median area purchase prices proposed by MFA are in yellow highlight.

\*Effective 6/1/22; <https://www.hudexchange.info/resource/2312/home-maximum-purchase-price-after-rehab-value/>

HOME Purchase Price Limits

Los Alamos County

Existing homes

Three months of sold data (November 2022– January 2023)

Median price indicated in red

<u>Price</u>	<u>Close Date</u>	<u>Address</u>	<u>City</u>	<u>Property Sub Type</u>	<u>New/Existing</u>
150,000	1/20/2023	2120 34th Street Unit#A	Los Alamos	Townhouse	Existing
186,000	11/10/2022	1763 34th 1001 Oppenheimer Drive	Los Alamos	Single Family Residence	Existing
190,000	12/20/2022	Unit#211	Los Alamos	Condominium	Existing
215,000	11/4/2022	2310 39th Unit#C 505 Oppenheimer Drive	Los Alamos	Condominium	Existing
251,400	1/12/2023	Unit#706	Los Alamos	Condominium	Existing
255,000	12/23/2022	4167 Alabama Unit#C	Los Alamos	Condominium Single Family	Existing
280,000	11/1/2022	2231 34th St.	Los Alamos	Residence Manufactured	Existing
290,000	1/19/2023	1290 Sioux 1001 Oppenheimer	Los Alamos	Home	Existing
315,000	11/21/2022	Unit#218 4391 Alabama Avenue	Los Alamos	Condominium	Existing
316,000	12/22/2022	Unit#A	Los Alamos	Townhouse	Existing
327,000	11/17/2022	40 Verde Ridge Unit#D	Los Alamos	Condominium	Existing
335,000	1/4/2023	2181 35th Unit#A	Los Alamos	Townhouse	Existing
339,000	11/16/2022	2142 35th Unit#B 1001 Oppenheimer	Los Alamos	Townhouse	Existing
345,000	11/1/2022	Unit#102	Los Alamos	Condominium	Existing
355,000	11/21/2022	2160 41st Unit#B	Los Alamos	Condominium	Existing
358,500	12/6/2022	2218 37th Unit#A	Los Alamos	Townhouse Single Family	Existing
359,500	11/4/2022	3489 Ridgeway Drive	Los Alamos	Residence	Existing
380,000	11/22/2022	2057 45th Unit#B	Los Alamos	Townhouse Single Family	Existing
427,000	11/30/2022	502 Hamlin Court	Los Alamos	Residence Single Family	Existing
440,000	11/9/2022	2084 46th Street	Los Alamos	Residence	Existing
457,000	1/4/2023	2896 Walnut Unit#A	Los Alamos	Townhouse Single Family	Existing
457,500	11/21/2022	1229 41st	Los Alamos	Residence Single Family	Existing
464,000	11/10/2022	552 Todd Loop N	Los Alamos	Residence	Existing

470,000	12/28/2022	1377 41st Street	Los Alamos	Single Family Residence	Existing
472,000	11/14/2022	774 46TH	Los Alamos	Single Family Residence	Existing
477,000	11/4/2022	1903 Camino Durasnilla	Los Alamos	Single Family Residence	Existing
486,600	1/6/2023	1726 Ponderosa Street	Los Alamos	Townhouse	Existing
488,000	11/18/2022	1331 46th Unit#B	Los Alamos	Townhouse	Existing
505,000	1/5/2023	106 Azure	Los Alamos	Single Family Residence	Existing
508,000	1/24/2023	1724 18th Street	Los Alamos	Townhouse	Existing
520,000	11/15/2022	1873 COOPER Place	Los Alamos	Single Family Residence	Existing
535,001	12/12/2022	412 Rover Boulevard	Los Alamos	Single Family Residence	Existing
560,000	11/1/2022	104 La Senda Drive	Los Alamos	Single Family Residence	Existing
575,000	1/10/2023	1118 San Ildefonso Road	Los Alamos	Single Family Residence	Existing
580,000	1/9/2023	4857 Yucca Street	Los Alamos	Townhouse	Existing
588,500	1/18/2023	675 Aster	Los Alamos	Single Family Residence	Existing
590,150	11/29/2022	2842 Woodland Road	Los Alamos	Single Family Residence	Existing
595,500	12/15/2022	900 Estates Drive	Los Alamos	Single Family Residence	Existing
600,000	12/8/2022	4780 Quemazon	Los Alamos	Townhouse	Existing
605,000	12/29/2022	821 Tiffany Court	Los Alamos	Single Family Residence	Existing
610,000	12/20/2022	50 Canyon View	Los Alamos	Single Family Condominium	Existing
630,000	1/9/2023	45 Kachina	Los Alamos	Single Family Residence	Existing
655,000	12/6/2022	70 Kachina Street	Los Alamos	Single Family Residence	Existing
680,000	11/4/2022	303 Rim Road	Los Alamos	Single Family Residence	Existing
691,600	12/16/2022	2470 Club	Los Alamos	Single Family Residence	Existing
705,000	1/2/2023	233 Andanada	Los Alamos	Single Family Residence	Existing
749,000	12/9/2022	2 LA FLORA Court	Los Alamos	Single Family Residence	Existing

750,000	11/7/2022	61 Cascabel	Los Alamos	Single Family Residence	Existing
750,000	11/18/2022	2125 33rd	Los Alamos	Single Family Residence	Existing
753,000	12/14/2022	2157 Loma Linda	Los Alamos	Single Family Residence	Existing
780,000	12/15/2022	129 Monte Rey N Drive	Los Alamos	Single Family Residence	Existing
790,000	12/22/2022	1772 Camino Uva	Los Alamos	Single Family Residence	Existing
810,000	11/18/2022	2119 48th Street	Los Alamos	Single Family Residence	Existing
818,000	1/10/2023	5153 Quemazon	Los Alamos	Single Family Residence	Existing
1,370,000	11/17/2022	1620 Solana	Los Alamos	Single Family Residence	Existing



HOME Purchase Price Limits

Santa Fe County

Existing homes

Three months of sold data (November 2022 – January 2023)

Median price indicated in red

<u>Price</u>	<u>Close Date</u>	<u>Address</u>	<u>City</u>	<u>Property Sub Type</u>
92,000	12/30/2022	103 CATRON Unit##46-C	Santa Fe	Fractional
115,360	1/26/2023	2800 Cerrillos Unit#63	Santa Fe	Condominium
155,000	11/9/2022	2800 Cerrillos Unit#104	Santa Fe	Condominium
179,000	1/5/2023	815 CALLE ANAYA S	Santa Fe	Manufactured Home
184,000	1/12/2023	2501 W Zia Road Unit#9-203	Santa Fe	Condominium
205,000	12/29/2022	812 Camino De Monte Rey Unit#106	Santa Fe	Condominium
210,000	12/6/2022	2210 Miguel Chavez Unit#1516	Santa Fe	Condominium
210,000	11/21/2022	32A Sunset	Santa Fe	Manufactured Home
215,000	1/4/2023	1323 Corrida de Agua	Santa Fe	Single Family Residence
215,000	1/10/2023	2210 Miguel Chavez Unit#1426	Santa Fe	Condominium
218,000	12/19/2022	6001 Jaguar Drive, 201 Unit#201	Santa Fe	Condominium
230,000	11/1/2022	1827 Quapaw	Santa Fe	Single Family Residence
235,000	11/7/2022	334 Otero Unit#7-3	Santa Fe	Fractional
237,500	12/9/2022	334 Otero Unit#9-4	Santa Fe	Fractional
245,000	12/16/2022	334 Otero Unit#6-4	Santa Fe	Fractional
249,900	12/15/2022	3019 CALLE PRINCESA JUANA	Santa Fe	Single Family Residence
257,000	12/12/2022	1662 Calle De Oriente Norte	Santa Fe	Townhouse
260,000	1/6/2023	2808 Siringo Rd	Santa Fe	Single Family Residence
260,000	1/4/2023	2501 W Zia Road Unit##8-212	Santa Fe	Condominium
260,000	12/20/2022	1554 Avenida De Las Americas	Santa Fe	Townhouse
262,000	12/28/2022	30 Lone Pine Spur	Santa Fe	Single Family Residence
265,000	12/9/2022	1173 Morning Drive	Santa Fe	Single Family Residence
265,000	11/8/2022	16 N Sierra Place	Santa Fe	Single Family Residence

265,000	12/16/2022	1405 Vegas Verdes Unit#219	Santa Fe	Condominium
265,000	12/2/2022	95 COCHITI	Santa Fe	Manufactured Home
270,000	11/28/2022	1405 Vegas Verdes Drive Unit#236	Santa Fe	Condominium
273,000	12/12/2022	1670 Calle De Oriente Norte	Santa Fe	Townhouse
274,000	1/6/2023	6384 CALLE KRYSHANA	Santa Fe	Manufactured Home
274,100	11/30/2022	1405 Vegas Verdes Drive Unit#235	Santa Fe	Condominium
276,000	11/30/2022	1339 Pacheco Court #2	Santa Fe	Condominium
285,000	11/14/2022	1470 Avenida De Las America	Santa Fe	Townhouse
290,000	11/8/2022	941 Calle Mejia Unit#1505	Santa Fe	Condominium
290,000	1/30/2023	1012 Marquez Place Unit#209A	Santa Fe	Condominium
297,538	12/30/2022	730 Columbia Street Unit#C	Santa Fe	Condominium
299,500	1/31/2023	941 Calle Mejia Unit#1308	Santa Fe	Condominium
300,000	12/28/2022	17 Grazing Elk	Santa Fe	Single Family Residence
300,000	12/9/2022	90 Verano Loop	Santa Fe	Single Family Residence
300,000	12/15/2022	1701 Paseo De Peralta	Santa Fe	Single Family Residence
300,000	11/10/2022	318 Calle Loma Norte	Santa Fe	Condominium
301,000	12/8/2022	4541 Avenida Contenta	Santa Fe	Single Family Residence
305,000	12/12/2022	4341 Santo Domingo Unit#C	Santa Fe	Condominium
305,000	12/30/2022	2732 Calle Anna Jean Unit#D	Santa Fe	Townhouse
310,000	12/2/2022	1 Entrada Capulin	Santa Fe	Single Family Residence
310,000	11/3/2022	3751 Luna De Miel	Santa Fe	Mobile Home
320,000	12/22/2022	2838 Paseo De Los Pueblos Unit#12	Santa Fe	Townhouse
324,000	12/16/2022	500 Rodeo Road Unit#2012	Santa Fe	Single Family Residence
325,000	1/31/2023	1240 Senda Lane	Santa Fe	Single Family Residence

325,000	12/30/2022	3900 Agua Fria Rd	Santa Fe	Single Family Residence
325,000	12/13/2022	711 Viento Drive Unit#C 3466 Cerrillos Road, Sand River	Santa Fe	Condominium
325,000	11/28/2022	Cohousing #M-1	Santa Fe	Condominium
327,500	1/20/2023	730 Columbia Street Unit#A	Santa Fe	Condominium
328,024	11/30/2022	6333 Milagro Luna	Santa Fe	Single Family Residence
332,000	11/18/2022	500 Rodeo Rd Unit#1212	Santa Fe	Condominium
339,250	11/29/2022	814 Camino De Monte Rey Unit#301	Santa Fe	Condominium
340,000	1/24/2023	2901 Calle De Oriente 3466 Cerrillos Road, Sand River	Santa Fe	Single Family Residence
342,850	11/10/2022	Cohousing Unit#A2	Santa Fe	Condominium
343,000	12/20/2022	6688 Jaguar Drive	Santa Fe	Townhouse
345,000	12/30/2022	4524 Calle Turquesa	Santa Fe	Single Family Residence
345,000	12/21/2022	4092 SANDIA VISTA	Santa Fe	Single Family Residence
350,000	12/2/2022	47 Canyon Cliff	Santa Fe	Single Family Residence
350,000	11/10/2022	256 Camino Del Olmo	Santa Fe	Townhouse
350,000	11/23/2022	1869 Camino De Pabulo	Santa Fe	Townhouse
350,000	12/9/2022	17 Gonzales Lane	Santa Fe	Manufactured Home
354,230	1/27/2023	4 Avenida Vista Esquisita	Santa Fe	Single Family Residence
358,750	1/27/2023	516 Camino de Guadalupe	Santa Fe	Townhouse
360,000	11/30/2022	4647 Callejon Picaflor	Santa Fe	Single Family Residence
362,000	12/16/2022	1405 Vegas Verdes Unit#214	Santa Fe	Condominium
365,000	12/5/2022	2901 Camino Del Gusto	Santa Fe	Single Family Residence
365,000	1/12/2023	4348 Santo Domingo #B	Santa Fe	Condominium
367,000	11/8/2022	4351 San Benito Street Unit#A	Santa Fe	Condominium
369,900	11/22/2022	6553 Calle Verde	Santa Fe	Single Family Residence

370,000	12/15/2022	1106 Vuelta De Las Acequias	Santa Fe	Single Family Residence
370,000	11/21/2022	3220 La Paz Lane	Santa Fe	Condominium
371,000	12/8/2022	3600 Cerrillos Unit#105 / 106	Santa Fe	Condominium
374,000	11/17/2022	1405 VEGAS VERDES Unit#337	Santa Fe	Condominium
375,000	1/31/2023	1814 Hopi Road	Santa Fe	Single Family Residence
375,000	1/18/2023	1221 Senda Lane	Santa Fe	Single Family Residence
375,000	11/7/2022	1824 Hopi Road	Santa Fe	Single Family Residence
375,000	11/28/2022	1932 Calle Miquela	Santa Fe	Townhouse
376,000	12/5/2022	3177 Plaza Blanca	Santa Fe	Townhouse
379,000	11/14/2022	3264 Louraine	Santa Fe	Single Family Residence
380,000	1/31/2023	8 Nacimiento Peak	Santa Fe	Single Family Residence
385,000	11/18/2022	1017 Flora Dr	Santa Fe	Single Family Residence
387,500	11/9/2022	2036 Placita De Vida	Santa Fe	Townhouse
390,000	11/30/2022	1019 Calle Don Roberto	Santa Fe	Single Family Residence
390,710	1/25/2023	1225 Calle La Mirada	Santa Fe	Single Family Residence
395,000	12/13/2022	4653 Contenta Ridge	Santa Fe	Single Family Residence
395,717	1/9/2023	3340 Siringo Road	Santa Fe	Single Family Residence
404,000	12/15/2022	3144 Viale Tresana	Santa Fe	Townhouse
410,000	1/4/2023	2270 Calle Pulido	Santa Fe	Single Family Residence
411,000	1/9/2023	4225 Big Sky	Santa Fe	Single Family Residence
415,000	11/4/2022	3846 Quail View Lane	Santa Fe	Single Family Residence
420,000	11/10/2022	2037 Hopi Road	Santa Fe	Single Family Residence
420,000	11/30/2022	3020 Plaza Blanca	Santa Fe	Single Family Residence
425,000	1/18/2023	3007 Siringo	Santa Fe	Single Family Residence

425,000	1/19/2023	7117 CALLE JENAH	Santa Fe	Single Family Residence
425,000	11/3/2022	7507 Sagebrush	Santa Fe	Single Family Residence
427,000	1/27/2023	6824 Sunset Circle	Santa Fe	Single Family Residence
430,000	11/16/2022	2 Eagle Peak	Santa Fe	Single Family Residence
434,900	12/30/2022	7256 Arroyo Central	Santa Fe	Single Family Residence
435,000	12/15/2022	4749 Vista Del Sol	Santa Fe	Single Family Residence
437,272	12/22/2022	505 Fulton Lane	Santa Fe	Single Family Residence
440,000	1/20/2023	1 Gavilan Court	Santa Fe	Single Family Residence
440,000	12/22/2022	350 Calle Loma Norte	Santa Fe	Condominium
441,000	12/19/2022	3 Reno Road	Santa Fe	Single Family Residence
442,000	1/6/2023	6677 Camino Rojo	Santa Fe	Single Family Residence
445,000	1/11/2023	3 Buena Ventura Place	Santa Fe	Single Family Residence
445,000	11/4/2022	58 Carson Valley	Santa Fe	Single Family Residence
449,000	12/30/2022	7294 Vista Serena Loop	Santa Fe	Single Family Residence
590,000	11/29/2022	3109 Payupki Circle	Santa Fe	Single Family Residence
590,000	1/12/2023	6 RITO GUICU	Santa Fe	Single Family Residence
590,000	11/16/2022	320 Artist Road Unit#19	Santa Fe	Condominium
590,000	12/8/2022	2917 Plaza Blanca	Santa Fe	Townhouse
593,000	12/8/2022	1 Nacimiento Peak	Santa Fe	Single Family Residence
593,777	11/30/2022	7 Antelope Hill	Santa Fe	Single Family Residence
597,000	12/16/2022	4131 Big Sky	Santa Fe	Single Family Residence
599,000	11/4/2022	3101 Old Pecos Trail #220	Santa Fe	Condominium
600,000	1/17/2023	1388 Santa Rosa	Santa Fe	Single Family Residence
602,500	11/14/2022	117 W Zia Road	Santa Fe	Single Family Residence

607,500	12/20/2022	3326 La Avenida De San Marcos	Santa Fe	Single Family Residence
609,900	12/6/2022	141 N El Rancho Rd	Santa Fe	Single Family Residence
614,000	11/1/2022	1 Vista Grande Drive	Santa Fe	Single Family Residence
617,500	11/30/2022	2515 Camino San Patricio	Santa Fe	Single Family Residence
620,000	1/19/2023	1712 Callejon Cordelia	Santa Fe	Single Family Residence
622,500	1/5/2023	640 Avenida Colima	Santa Fe	Condominium
625,000	11/16/2022	2 Reno	Santa Fe	Single Family Residence
625,000	11/28/2022	2592 Calle Delfino	Santa Fe	Single Family Residence
626,000	1/5/2023	824 Dunlap Street Unit#A	Santa Fe	Condominium
629,463	12/21/2022	2856 Plaza Verde	Santa Fe	Single Family Residence
630,000	11/15/2022	8 Domingo Court	Santa Fe	Single Family Residence
631,000	12/16/2022	2956 Plaza Blanca	Santa Fe	Townhouse
635,000	1/23/2023	3 Softwynd	Santa Fe	Single Family Residence
635,000	12/16/2022	805 Loma Boreal	Santa Fe	Townhouse
639,000	11/16/2022	1 Pajarito Peak	Santa Fe	Single Family Residence
649,000	11/28/2022	4259 Indian Summer Lane	Santa Fe	Single Family Residence
650,000	12/15/2022	525 1/2 Camino Cabra	Santa Fe	Single Family Residence
650,000	11/14/2022	98 Canada Del Rancho	Santa Fe	Single Family Residence
650,000	12/8/2022	1027 Canyon Unit#A	Santa Fe	Condominium
655,000	11/22/2022	17 Camino Pinon	Santa Fe	Single Family Residence
657,000	12/21/2022	304 Irvine Street	Santa Fe	Single Family Residence
660,000	1/26/2023	17 Via De Estrellas	Santa Fe	Single Family Residence
665,000	1/13/2023	814 Rio Vista Street	Santa Fe	Single Family Residence
669,000	1/20/2023	7 Buena Ventura Place	Santa Fe	Single Family Residence

673,000	11/14/2022	3020 Cliff Palace	Santa Fe	Single Family Residence
675,000	11/16/2022	701 Venado Lane	Santa Fe	Single Family Residence
675,000	12/15/2022	11 Bear Claw	Santa Fe	Single Family Residence
675,000	12/16/2022	4717 Hojas Verdes	Santa Fe	Single Family Residence
675,000	11/21/2022	6 Bajada	Santa Fe	Single Family Residence
680,000	11/30/2022	4142 Arboles Bonitos	Santa Fe	Single Family Residence
685,000	11/10/2022	211 Rosario Unit#10	Santa Fe	Single Family Residence
688,400	12/15/2022	246 Maynard	Santa Fe	Single Family Residence
688,500	12/12/2022	7 Camino Dimitrio	Santa Fe	Single Family Residence
695,000	12/22/2022	36 Verano Loop	Santa Fe	Single Family Residence
695,000	11/16/2022	501 Rio Grande Avenue Unit#J-8	Santa Fe	Condominium
703,000	11/2/2022	46 Lone Pine Spur	Santa Fe	Single Family Residence
705,000	1/12/2023	103 B Camino Los Abuelos	Santa Fe	Single Family Residence
707,000	12/21/2022	7 Gavilan Road	Santa Fe	Single Family Residence
710,000	12/6/2022	4132 Arboles Bonitos	Santa Fe	Single Family Residence
715,000	11/9/2022	2 Pajarito Peak	Santa Fe	Single Family Residence
716,500	12/14/2022	70 Verano Loop	Santa Fe	Single Family Residence
720,000	1/31/2023	11 Camino Chupadero	Santa Fe	Single Family Residence
725,000	11/4/2022	4712 Viento Del Norte	Santa Fe	Single Family Residence
728,000	12/9/2022	218 Calle Roble	Santa Fe	Single Family Residence
734,000	1/24/2023	1704 Paseo De La Conquistadora	Santa Fe	Single Family Residence
742,784	12/1/2022	28 Via Plaza Nueva E	Santa Fe	Townhouse
750,000	1/17/2023	3024 Governor Lindsey	Santa Fe	Single Family Residence
750,000	1/20/2023	4136 Arboles Bonitos	Santa Fe	Single Family Residence



750,000	11/7/2022	502 & 504 Alicia Street	Santa Fe	Single Family Residence
750,000	12/30/2022	201 Williams #B Street	Santa Fe	Condominium
755,000	12/9/2022	9 Red Sky Trail	Santa Fe	Single Family Residence
760,000	1/20/2023	1249 Cerro Gordo	Santa Fe	Single Family Residence
763,000	1/25/2023	690 Gonzales Road Unit##1	Santa Fe	Single Family Residence
764,500	1/19/2023	140 W Buena Vista Street	Santa Fe	Single Family Residence
770,000	1/31/2023	38 Carissa Road	Santa Fe	Single Family Residence
772,428	11/16/2022	710 Gonzales Road	Santa Fe	Single Family Residence
775,000	12/1/2022	34 Canada del Rancho	Santa Fe	Single Family Residence
775,000	11/16/2022	602 Don Canuto	Santa Fe	Single Family Residence
775,000	11/18/2022	2 Cabrero Court	Santa Fe	Single Family Residence
780,000	11/7/2022	1723 Ridge Pointe	Santa Fe	Single Family Residence
785,000	12/5/2022	322 Camino Cerrito Unit#A	Santa Fe	Single Family Residence
793,000	11/15/2022	106 Michelle Drive	Santa Fe	Single Family Residence
795,000	12/6/2022	43 Calimo Circle	Santa Fe	Single Family Residence
795,000	11/3/2022	573 A/B W San Francisco Street	Santa Fe	Single Family Residence
796,000	11/15/2022	31 Canada Del Rancho	Santa Fe	Single Family Residence
800,000	11/21/2022	2805 Plaza Verde	Santa Fe	Single Family Residence
800,000	11/16/2022	3101 Old Pecos Unit#507	Santa Fe	Condominium
806,316	12/1/2022	20 Domingo Road	Santa Fe	Single Family Residence
815,000	12/7/2022	129 Solana Drive	Santa Fe	Single Family Residence
815,000	11/28/2022	36 SHILO	Santa Fe	Single Family Residence
825,000	12/15/2022	37 Camino Pacifico	Santa Fe	Single Family Residence
837,500	12/20/2022	3101 Old Pecos Trail Unit#614	Santa Fe	Condominium

845,000	12/15/2022	625 Gomez Unit#A&B	Santa Fe	Condominium
846,000	12/20/2022	272 El Duane Court	Santa Fe	Townhouse
846,400	12/21/2022	11 Calle Belicia	Santa Fe	Single Family Residence
867,000	12/12/2022	21 Puerto Road	Santa Fe	Single Family Residence
880,000	1/30/2023	700 Coyote Ridge Road	Santa Fe	Single Family Residence
885,000	11/7/2022	501 Johnson Lane	Santa Fe	Single Family Residence
890,000	11/17/2022	2205 Calle Cacique	Santa Fe	Single Family Residence
894,900	12/19/2022	407 Michelle Ct	Santa Fe	Single Family Residence
895,000	12/29/2022	7 Camino Del Prado	Santa Fe	Single Family Residence
898,000	11/23/2022	20 Via Summa	Santa Fe	Single Family Residence
899,500	11/28/2022	835 Alameda	Santa Fe	Single Family Residence
901,670	1/25/2023	219 Las Mananitas Street	Santa Fe	Single Family Residence
925,000	1/6/2023	4 La Vida Trail	Santa Fe	Single Family Residence
925,000	11/21/2022	154 Ojo De La Vaca Street Unit#C	Santa Fe	Single Family Residence
949,000	12/9/2022	108 Monte Vista Unit#F	Santa Fe	Condominium
950,000	1/9/2023	3 Loma De Oro	Santa Fe	Single Family Residence
950,000	1/19/2023	427 Camino Del Monte Sol	Santa Fe	Single Family Residence
953,130	11/4/2022	2267 Calle Cacique	Santa Fe	Single Family Residence
979,900	1/17/2023	4 Via De Estrellas	Santa Fe	Single Family Residence
990,000	11/16/2022	60 Tierra Grande	Santa Fe	Single Family Residence
1,000,000	11/1/2022	100 W Marcy	Santa Fe	Condominium
1,005,000	1/10/2023	6 Estambre Road	Santa Fe	Single Family Residence
1,066,000	12/12/2022	26 General Sage	Santa Fe	Single Family Residence
1,100,000	1/24/2023	18 West Wildflower Drive	Santa Fe	Single Family Residence

1,100,000	12/16/2022	3 Montoya Circle	Santa Fe	Single Family Residence
1,149,000	12/2/2022	26 Camino Sudeste	Santa Fe	Single Family Residence
1,150,000	12/19/2022	18 Camino Costadino	Santa Fe	Single Family Residence
1,150,000	11/28/2022	501 Corte De Pinon	Santa Fe	Single Family Residence
1,159,000	12/15/2022	30 Paseo Del Antilope	Santa Fe	Single Family Residence
1,190,000	12/9/2022	11 Calle Cabito	Santa Fe	Single Family Residence
1,200,000	11/4/2022	83 E Chili Line Road	Santa Fe	Single Family Residence
1,200,000	11/3/2022	1120 Canyon Road	Santa Fe	Single Family Residence
1,220,000	1/24/2023	6 W Avenida Sebastian	Santa Fe	Single Family Residence
1,225,000	1/10/2023	7 Camino Maravilla	Santa Fe	Single Family Residence
1,235,000	12/29/2022	40 Vuelta Herradura	Santa Fe	Single Family Residence
1,250,000	12/14/2022	1013 Camino San Acacio	Santa Fe	Single Family Residence
1,275,856	11/8/2022	1261 Vallecita	Santa Fe	Single Family Residence
1,290,000	12/8/2022	103 Catron St Unit#30	Santa Fe	Condominium
1,300,000	1/10/2023	7 Summer Night	Santa Fe	Single Family Residence
1,300,000	11/16/2022	3962 Old Santa Fe	Santa Fe	Single Family Residence
1,375,000	12/2/2022	307 Los Arboles	Santa Fe	Single Family Residence
1,387,500	11/15/2022	68 Camino Montuoso	Santa Fe	Single Family Residence
1,394,348	11/15/2022	7 Sierra Verde	Santa Fe	Single Family Residence
1,400,000	12/16/2022	67 Lomas De Tesuque	Santa Fe	Single Family Residence
1,400,000	12/28/2022	213 Calle Galisteo	Santa Fe	Single Family Residence
1,423,000	11/10/2022	230 Camino Encantado	Santa Fe	Single Family Residence
1,495,000	1/3/2023	815 Los Arboles Lane	Santa Fe	Single Family Residence
1,495,000	12/19/2022	166 Sunflower Drive	Santa Fe	Single Family Residence

1,500,000	11/30/2022	522 Acequia Madre	Santa Fe	Single Family Residence
1,500,000	12/19/2022	20 Tano Vida	Santa Fe	Single Family Residence
1,571,000	12/20/2022	145 Cantera Circle	Santa Fe	Single Family Residence
1,644,000	11/7/2022	7 Storyteller	Santa Fe	Single Family Residence
1,675,000	12/2/2022	751 Acequia Madre Unit#3	Santa Fe	Condominium
1,686,700	12/9/2022	117 Vigil	Santa Fe	Single Family Residence
1,699,460	12/13/2022	13 Tecolote Circle	Santa Fe	Single Family Residence
1,725,000	12/29/2022	904 Don Gaspar	Santa Fe	Single Family Residence
1,725,000	11/15/2022	3098 Monte Sereno	Santa Fe	Single Family Residence
1,825,000	1/17/2023	36 Paseo Las Terrazas	Santa Fe	Single Family Residence
1,850,000	1/12/2023	147 Gonzales #8	Santa Fe	Single Family Residence
1,850,000	11/1/2022	511 E Palace	Santa Fe	Single Family Residence
1,900,000	1/17/2023	2596 Tano Compound	Santa Fe	Single Family Residence
1,900,000	1/3/2023	5 Puma Circle	Santa Fe	Single Family Residence
2,125,000	1/31/2023	669 Garcia Street	Santa Fe	Single Family Residence
2,135,124	1/12/2023	1057 Camino Manana	Santa Fe	Single Family Residence
2,150,000	11/18/2022	1237 1/2 Cerro Gordo	Santa Fe	Single Family Residence
2,175,000	11/21/2022	3 Campo Rancheros	Santa Fe	Single Family Residence
2,215,000	11/18/2022	4 Eagle Nest Circle	Santa Fe	Single Family Residence
2,225,000	1/31/2023	699 Joaquin Lane	Santa Fe	Single Family Residence
2,250,000	11/15/2022	2 Green Meadow Loop	Santa Fe	Single Family Residence
2,500,000	12/19/2022	808 Camino Del Monte Sol	Santa Fe	Single Family Residence
2,825,711	11/14/2022	1401 & 1407 Upper Canyon Rd	Santa Fe	Single Family Residence
2,850,000	12/8/2022	23 Media Luna	Santa Fe	Single Family Residence

2,900,000	12/7/2022	12 Bishops Dome Road	Santa Fe	Single Family Residence
3,208,904	11/28/2022	48 Tesuque Ridge Road	Santa Fe	Single Family Residence
3,712,000	1/5/2023	500 Camino Rancheros	Santa Fe	Single Family Residence
3,900,000	1/27/2023	21 Goodnight Trail West	Santa Fe	Single Family Residence
3,950,000	11/9/2022	3365 Paseo Segunda	Santa Fe	Single Family Residence
4,000,000	12/16/2022	24 Lodge Circle	Santa Fe	Single Family Residence
4,000,000	12/6/2022	1523 Calle Terrazas	Santa Fe	Single Family Residence
7,440,000	12/12/2022	109 115 117 Tesuque	Santa Fe	Single Family Residence

HOME Purchase Price Limits

Santa Fe County

New homes

Three months of sold data (November 2021– January 2022)

Median price indicated in red

<u>Price</u>	<u>Close Date</u>	<u>Address</u>	<u>City</u>	<u>Property Sub Type</u>
365,000	12/9/2022	3375 Zinnia	Santa Fe	Single Family Residence
389,500	12/5/2022	1109 PASEO CORAZON Unit#8	Santa Fe	Condominium
389,500	12/23/2022	1109 PASEO CORAZON Unit#2	Santa Fe	Condominium
405,000	12/8/2022	3369 Zinnia	Santa Fe	Single Family Residence
405,000	12/19/2022	3371 ZINNIA	Santa Fe	Single Family Residence
422,280	1/31/2023	3359 ZINNIA	Santa Fe	Single Family Residence
433,000	12/29/2022	3932 Jaxson Lane	Santa Fe	Single Family Residence
449,990	12/23/2022	5015 Wheeler Lane	Santa Fe	Townhouse
539,990	12/1/2022	4824 Governor Miles	Santa Fe	Townhouse
589,990	12/16/2022	5336 Chicoma	Santa Fe	Single Family Townhouse
590,000	1/20/2023	3507 Paa	Santa Fe	Single Family Residence
719,000	1/24/2023	1728 Callejon Melinda	Santa Fe	Single Family Residence
725,000	11/18/2022	1725 Callejon Melinda	Santa Fe	Single Family Residence
750,000	1/20/2023	31 Willow Back Road	Santa Fe	Single Family Residence
799,900	11/17/2022	9 Pinon Doblado	Santa Fe	Single Family Residence
809,900	11/22/2022	14 Pinon Doblado	Santa Fe	Single Family Residence
848,000	1/6/2023	1721 Callejon Melinda	Santa Fe	Single Family Residence
1,175,649	12/13/2022	1 Valverde Court	Santa Fe	Single Family Residence
1,350,584	12/19/2022	30 Valverde Lane	Santa Fe	Single Family Residence
1,475,519	1/31/2023	18 Valverde Lane	Santa Fe	Single Family Residence
1,858,000	1/9/2023	21 Entrada Descanso	Santa Fe	Single Family Residence
2,200,000	1/24/2023	31 Via Del Caballo	Santa Fe	Single Family Residence
2,400,000	11/1/2022	59 Lodge Trail	Santa Fe	Single Family Residence

3,300,000	11/9/2022	126 CAMINO ENCANTADO	Santa Fe	Single Family Residence
3,999,000	12/19/2022	3285 Monte Sereno Drive - Lot 47	Santa Fe	Single Family Residence



HOME Purchase Price Limits

Taos County

Existing homes

Three months of sold data (November 2022– January 2023)

Median price indicated in red

Sold Price	Closing Date	Address	City
\$50,000	1/23/2023	5 Estafeta Road	Valdez
\$90,000	11/17/2022	11 Ortiz Ln	Taos
\$106,000	12/2/2022	7157 State Highway 518	Ranchos de Taos
\$120,000	12/5/2022	14 Evergreen Rd	Questa
\$125,000	11/4/2022	16 Camino Coyote	El Prado
\$150,000	11/14/2022	1602 Paseo Del Pueblo Sur	Taos
\$160,500	12/28/2022	201 W Main Street	Red River
\$173,000	11/1/2022	3006 Hwy 76	Penasco
\$175,000	11/23/2022	14 Coyote Circle North	Ranchos de Taos
\$190,000	11/18/2022	1279 Highway 150	Toas Ski Valley
\$220,000	1/6/2023	209 Holly Circle	Taos
\$234,450	11/1/2022	9 Comanche Road	El Prado
\$234,500	11/14/2022	7191 State Road 518	Ranchos de Taos
\$250,000	1/10/2023	720 La Posta Place	Taos
\$250,000	11/14/2022	24 Calle Miguel	Ranchos de Taos
\$250,000	1/9/2023	1803 1805 State Highway 75	Vadito
\$265,000	12/7/2022	514 Callejon Road	Taos
\$269,500	11/9/2022	52 Lodge Road	Taos
\$275,000	1/10/2023	316 Juanita Lane	Taos
\$295,000	11/22/2022	91 B El Tros Rd	Ranchos De Taos
\$295,000	11/7/2022	18 Comanche Road	El Prado
\$298,725	1/18/2023	23 S Lemuria	Tres Piedras
\$299,000	11/18/2022	4 La Morada Road	Ranchos de Taos
\$300,000	1/5/2023	5 S Wishbone	El Prado
\$303,000	11/9/2022	8 Cresta de la Luna	El Prado
\$318,000	12/20/2022	821 Hill Drive	Taos
\$320,000	11/30/2022	2342 Vigil	Questa
\$324,000	1/4/2023	29 Archuleta Rd	Ranchos de Taos
\$335,000	11/8/2022	527 Camino Cortez	Taos
\$345,000	11/17/2022	128 Dona Ana 214	Taos
\$350,000	11/1/2022	15 E Vigil Road	Arroyo Hondo
\$360,000	12/29/2022	1030 Calle del Sol	Taos
\$365,000	1/9/2023	262 Cuchilla Road	Ranchos de Taos
\$372,000	11/8/2022	248 Highway 150	El Prado
\$375,000	11/8/2022	2 Kindness	Taos

\$375,000	11/2/2022	744 Cruz Alta Rd	Taos
\$378,000	11/22/2022	314 Hinde Street	Taos
\$378,000	11/8/2022	402 Apache	Taos
\$380,000	12/8/2022	300 Gallina Canyon Road	Valdez
\$380,000	1/13/2023	96 County Road 64	Dixon Ranchos de
\$383,000	11/14/2022	35 Old SR 382	Taos
\$385,000	12/9/2022	5 Este Mirada	El Prado
\$389,000	11/22/2022	10 Caitlins Court	El Prado
\$390,000	11/30/2022	242 Tune Road	Taos
\$392,000	1/13/2023	250 Maria Elena Rd	Taos
\$395,000	1/9/2023	5 Ernie Blake Road	Taos Ski Valley Ranchos de
\$397,500	11/10/2022	7278B Highway 518	Taos
\$399,000	1/31/2023	267 State Highway 73	Llano
\$400,700	11/15/2022	31 Rim View Road	Taos
\$403,000	12/1/2022	366 Monte Vista Road	Taos
\$425,000	11/3/2022	622 Paseo del Canon East	Taos
\$425,000	11/7/2022	5 Ernie Blake Rd Units 201 and 202	Taos Ski Valley
\$430,000	12/8/2022	494 Tune Dr	Arroyo Hondo
\$445,000	11/21/2022	110 Sutton Place	Taos Ski Valley Ranchos de
\$450,000	1/13/2023	57 Camino de los Arroyos	Taos
\$455,000	11/15/2022	323 Santistevan Ln	Taos
\$456,000	11/17/2022	17 Aspen Tr	Red River
\$460,000	11/18/2022	101 Los Rios Road	Arroyo Hondo
\$462,500	11/21/2022	930 Calle Alvarado	Taos
\$477,000	11/16/2022	11 Bad Dog Road	El Prado
\$478,000	1/17/2023	5 Pinon Trail	Taos
\$479,000	1/17/2023	2 Caitlins Court	El Prado
\$484,000	11/3/2022	193 Tune Drive	El Prado
\$489,000	12/16/2022	229 Las Olas Drive	Taos
\$489,000	11/30/2022	110 Sutton Place	Taos Ski Valley
\$489,000	11/14/2022	110 Sutton Place	Taos Ski Valley
\$492,000	11/9/2022	316 A Don Fernando	Taos
\$494,000	11/14/2022	306 South Trapper	Taos Ranchos de
\$495,000	1/13/2023	7 Calle de Cazador	Taos
\$510,000	12/12/2022	6712 Hwy 518	Taos Ranchos de
\$525,000	12/16/2022	15 Vista del Ocaso	Taos
\$535,000	11/8/2022	12 Este Mirada	El Prado
\$539,000	1/25/2023	415 Kit Carson Road	Taos

\$539,497	11/16/2022	415 Kit Carson 6	Taos
\$558,500	11/15/2022	53 Eototo Road	Taos
\$565,000	12/1/2022	208 Las Olas Drive	Taos
\$575,000	12/6/2022	9 Sunset Drive	Taos
\$577,000	1/4/2023	413 Sunrise Lane	El Prado
\$600,000	11/1/2022	80 Lower Las Colonias Road	El Prado
\$609,000	1/31/2023	250 Bitter Creek Rd	Red River
\$630,000	12/1/2022	1323 Mesa Vista	Taos
\$635,000	1/4/2023	1391 Abby Road	Taos
\$654,950	12/2/2022	275 Camino Ovejeros	El Prado
\$677,065	11/2/2022	15 Villa Ventosa	El Prado
\$690,100	11/7/2022	20 Nickell Road	Taos
\$745,000	12/7/2022	15 Canyon Valley	Red River
\$755,000	12/29/2022	37 Twining Rd	Taos Ski Valley
\$772,500	1/20/2023	26312 East Highway 64	Taos
\$777,000	11/4/2022	1224 Mesa Vista Road	El Prado
\$785,000	11/3/2022	25 Buena Vista	El Prado
			Ranchos de
\$795,000	12/9/2022	337 Espinoza Road	Taos
\$800,000	11/23/2022	14 Codorniz Rd	El Prado
\$805,000	1/6/2023	325B Spruce Lane	Taos
\$849,500	11/18/2022	37 Duval Road	El Prado
\$880,000	11/1/2022	38 Sugar Lane	El Prado
\$950,000	1/17/2023	89 Calle Martinez	Arroyo Seco
\$1,025,000	11/1/2022	577 Verde	Taos
\$1,200,000	1/11/2023	1441 Higgins Road	Taos
\$1,200,000	11/17/2022	36 Mariposa Road	Arroyo Seco
\$1,250,000	1/26/2023	6 Hidden Valley Road	Red River
\$1,339,000	12/5/2022	43 N Mesa Road	El Prado
\$1,500,000	11/10/2022	215 Ranchitos Road	Taos
\$1,535,000	12/1/2022	90 Camino del Medio	San Cristobal
\$1,600,000	12/8/2022	82 Calle Mirador	Taos
\$1,600,000	12/28/2022	95 Duval Road	Arroyo Hondo

HOME Purchase Price Limits

Taos County

New homes

Three months of sold data (November 2022– January 2023)

Median price indicated in red

Sold Price	Closing Date	Address	City	Area
\$500,000	12/16/2022	8 Irish Rd	Ranchos De Taos	VISTA LINDA (52A)

