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# **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: to provide decent housing, to provide a suitable living environment and to 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 its 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 its 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. In New Mexico, the New Mexico Mortgage Finance Authority (MFA) administers the HOME, ESG, HOPWA, and HTF funds and the Local Government Division, Community Development Bureau within the New Mexico Department of Finance and Administration (DFA) administers the CDBG resources. MFA is the lead agency for developing the Consolidated Plan.

In order to ensure maximum participation in the Consolidated Plan process among all populations and 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. This second public hearing will be focused on the Strategic Plan and/or the Annual Action Plan.
- Take appropriate actions to encourage the 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. Copies of the documents will be mailed upon request.
- The Draft Consolidated Plan and/or Draft Annual Action Plan will be made accessible to persons with disabilities upon request. In addition, a reasonable number of free copies will be provided to citizens or groups requesting copies of the document(s).
- 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 its 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 the 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 its Analysis of Impediments and reporting on actions to address those impediments to its 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 laid out in the previous section.

### 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-notices>) 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 usually be held at MFA's offices at 344 4<sup>th</sup> Street SW in Albuquerque and may be held at other locations throughout the state of New Mexico. However, the final approval and adoption of the Annual Action Plan, Consolidated Plan and CAPER will be conducted at MFA's offices. All 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:

- The Annual Action Plans;
- The Consolidated Plan;
- The 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 the 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 at the following locations during their respective, 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

Copies of the final and draft versions of the HUD Documents are also available at MFA offices.

## 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 the 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 their 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 the MFA office, 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

## **State of New Mexico 2022 National Housing Trust Fund Allocation Plan**

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

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

### **1. Distribution of Funds**

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

### **2. Eligibility Requirements**

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

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

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

### **3. Application Requirements**

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

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

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

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

#### **4. Selection Criteria**

All projects must meet the following threshold criteria:

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

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

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

## 5. Per-Unit Subsidy Limits

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

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

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

## **6. Performance Goals and Benchmarks**

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

## **7. Rehabilitation Standards**

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

## **8. Limitation on Beneficiaries or Preferences**

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

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

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

While not required to limit occupancy or provide preferences to the populations described above, owners of NHTF-assisted projects who do must do so in accordance with 24 CFR 93.303(d). The intent is merely to allow owners of NHTF-assisted projects to limit occupancy to or provide preference to populations identified within this section as well as the priority housing needs identified in the NM Consolidated Plan. Any limitation or preference must not violate nondiscrimination requirements. Federal fair housing requirements, including the duty to affirmatively further fair housing, are applicable to the NHTF program. A limitation does not violate nondiscrimination requirements if the



project also receives funding from a federal program that limits eligibility to a particular segment of the population (e.g. Housing Opportunity for Persons Living with AIDS program, the Section 202 and Section 811 programs) or the Housing for Older Persons Act.

#### **9. Refinancing Guidelines**

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

## PART E

# **Attachment A to National Housing Trust Fund Allocation Plan MFA 2020 Mandatory Design Standards for Multifamily Housing**

## **Part A**

The following Design Standards, including the MFA 2020 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications, contained herein as **Part B**, represent the minimum requirements for New Mexico Mortgage Finance Authority (MFA) financed rental housing and are herewith incorporated by reference into MFA's 2020 Qualified Allocation Plan (QAP). Capitalized terms are defined either herein or in the QAP.

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

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

MFA's discretion. The applicant must complete and submit the Waiver Procedure for Design Requirements form found in the 2020 LIHTC Application Package. This request will be reviewed with the application and determination of approval given following the design review process. Waiver Requests made after the project is awarded tax credits and/or any MFA funding are considered changes to the Project, and a \$500 fee payment will be required.

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

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

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

## **NEW CONSTRUCTION**

### **A. GENERAL DESIGN**

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

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

## **B. SITE DESIGN AND DEVELOPMENT**

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

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

## C. BUILDING DESIGN AND CONSTRUCTION

### 1. Exterior Building Design

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

### 2. Integrated Pest Management

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

#### **D. UNIT DESIGN AND CONSTRUCTION**

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

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

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

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



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

## REHABILITATION

### A. GENERAL DESIGN

Rehabilitation Projects shall conform to the following provisions and requirements as described in the Rehabilitation section of this standard unless specific building and/or site conditions make compliance technically infeasible, in which case the Application must contain a Waiver of Procedure for Design Requirements, which can be found in the 2020 LIHTC Application Package. If the housing is occupied at the time of rehabilitation, any and all life-threatening deficiencies must be identified and addressed immediately. See Appendix A for a list of Inspectable Items and Observable Deficiencies, including the identification of life-threatening deficiencies (highlighted in orange) for the property site, building exterior, building systems, common areas, and units.

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

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

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

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

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

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

- HUD/EPA Disclosure Regulations (Title 24, Part 35, Subpart A) – Requires owners of target housing to disclose all lead paint records and related information to potential buyers and/or tenants. More information is available at: [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12347.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf)
- OSHA Lead in Construction Rule (29 CFR Part 1926.62) - Proscribes personal protection measures to be taken when workers are exposed to any lead during construction projects. More information is available at: [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10641](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10641)

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

## **B. SITE DESIGN AND DEVELOPMENT**

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

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

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

## **C. BUILDING DESIGN AND CONSTRUCTION**

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

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

#### **D. UNIT DESIGN AND CONSTRUCTION**

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

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

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

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

## **SPECIAL PROJECTS**

### **A. SINGLE ROOM OCCUPANCY (SRO) DEVELOPMENTS**

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

### **B. ADAPTIVE REUSE PROJECTS**

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

## Part B: MFA 2020 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications

All Applications shall provide at the time of submission the preliminary architectural documentation of the proposed Project. This submission shall be provided to demonstrate the intent of the Project to comply with the MFA 2020 Mandatory Design Standards for Multifamily Housing, New Mexico building Codes, the FHA, the National Housing Trust Fund Rehabilitation Standards, and the 2010 ADA Standards for Accessible Design as applicable. Additionally, if applicable, provide the completed Waiver Procedure for Design Requirements form or any preliminary approval granted prior to submission of the Application.

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

### SITE INFORMATION

The Preliminary Architectural Documentation shall include the following:

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

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

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



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

10. Preliminary Unit Plans

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

11. Preliminary Specifications:

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

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

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

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

### **CAPITAL NEEDS ASSESSMENT (CNA) REQUIREMENTS**

As required by the 2020 QAP, all rehabilitation and adaptive reuse projects must provide a CNA with the Application if requesting an exception from the 20-year requirement, prior to the issuance of the letter of determination for tax-exempt bond finance projects, or at carryover for all other projects.

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

- ◆ Must be prepared by an independent, third-party professional not involved in the design or preparation of drawings and specifications for the project.
- ◆ Must have no financial interest in the Project, and must have no identity of interest with the Developer or Co-Developer or personal interest with respect to the parties involved.
- ◆ Preparer must demonstrate a minimum of five years' experience performing CNAs. Experience may be demonstrated by submitting a resume', list of projects, applicable AIA form, or other documentation containing information on the project and year the CNA was completed.
- ◆ The preparer must submit the Certification of Qualified Professional – CNA form found in the 2020 LIHTC Application Package.

## **Supplement A**

### **State of New Mexico National Housing Trust Fund Rehabilitation Standards**

#### **I. PURPOSE OF STANDARDS**

- A. This supplement combined with the 2020 MFA Mandatory Design Standards for Multifamily Housing shall comprise the National Housing Trust Fund Rehabilitation Standards (known herein as the “NHTF Standards”).
- b. The NHTF Standards are designed to outline the requirements for building rehabilitation for all New Mexico Mortgage Finance Authority (MFA) National Housing Trust Fund (NHTF) funded multifamily housing projects. All renovation activities performed on an NHTF-funded project must conform to these rehabilitation standards.
- B. The goal of the MFA NHTF program is to provide functional, safe, affordable, and durable housing that meets the needs of the tenants and communities in which the housing is located throughout its affordability period.
- C. Through use of the NHTF Standards, all health and safety deficiencies must be addressed and corrected.

#### **II. QUALITY OF WORK**

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

#### **III. SCOPE OF WORK DETERMINATION**

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

#### **IV. EXPECTED USEFUL LIFE / REHABILITATION SCOPE & CAPITAL PLANNING**

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

#### **VII. DISASTER MITIGATION**

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

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

## **MFA 2022 Mandatory Design Standards for Multifamily Housing Part A**

The following Design Standards, including the MFA 2022 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications, contained herein as **Part B**, represent the minimum requirements for New Mexico Mortgage Finance Authority (MFA) financed rental housing and are herewith incorporated by reference into MFA's 2022 Qualified Allocation Plan (QAP). Capitalized terms are defined either herein or in the QAP.

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

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

Requirements form found in the 2022 Universal Rental Development Application Package. This request will be reviewed with the Application and determination of approval given following the design review process. Waiver Requests made after the project is awarded tax credits and/or any MFA funding are considered changes to the Project, and a \$500 fee payment will be required.

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

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

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

## **NEW CONSTRUCTION**

### **A. GENERAL DESIGN**

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

3. Provisions shall be made for ADAPTABILITY for people with disabilities in conformance with the requirements of federal and state law including the FHA and the ADA. All units located on an accessible path shall meet the provisions of either a Type A or Type B accessible unit as described in the ANSI A117.1 standard. An accessible route shall be provided to all ground floor units (unless noted through exception as found within the FHA and ANSI standards based on site configuration – See FHA Design Manual and ANSI A117.1 for additional information.)
4. New construction properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability over a similarly sized minimum Code compliant Project.
  - a. New construction units shall achieve a HERS certification of 55 or less.
  - b. New construction units shall utilize plumbing fixtures with flow rates and flush rates at the following rates or better:
    - Toilets at 1.28 GPF;
    - Lavatory Faucets 1.0 GPM;
    - Kitchen Faucets 1.2 GPM;
    - Shower Heads 2.0 GPM.
  - c. The Project team shall implement durability measures intended to extend the livability and to decrease maintenance costs of the property.

## **B. SITE DESIGN AND DEVELOPMENT**

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



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

## C. BUILDING DESIGN AND CONSTRUCTION

### 1. Exterior Building Design

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

### 2. Integrated Pest Management

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

#### **D. UNIT DESIGN AND CONSTRUCTION**

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

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

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

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

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

## REHABILITATION

### A. GENERAL DESIGN

Rehabilitation Projects shall conform to the following provisions and requirements as described in the Rehabilitation section of this standard unless specific building and/or site conditions make compliance technically infeasible, in which case the Application must contain a Waiver of Procedure for Design Requirements, which can be found in the 2022 Universal Rental Development Application Package. If the housing is occupied at the time of rehabilitation, any and all life-threatening deficiencies must be identified and addressed immediately. See Appendix A for a list of Inspectable Items and Observable Deficiencies, including the identification of life-threatening deficiencies (highlighted in orange) for the property site, building exterior, building systems, common areas, and units.

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

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

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

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

- e. An accessible parking space shall be provided for each designated Type A accessible unit and for the community building at the ratios required by ADA. At least one “van accessible” parking space shall be provided near the Business Office.
- 3) Rehabilitation properties shall be designed and constructed in such a way as to provide greater energy efficiency, decreased water usage, and increased durability to the buildings, units and site elements.
- a. Rehabilitation units shall achieve a post-construction HERS score of 65 or less. (MFA will consider waiver requests where it presents an undue cost burden or is wasteful to achieve this standard, e.g., where furnaces were replaced in the last seven years and it would require replacing them with a slightly more efficient unit to achieve a 65 HERS score; or where the local climate does not require heating).
  - b. Plumbing fixtures to be replaced as part of the rehabilitation scope shall be replaced with fixtures utilizing flow rates and flush rates at the following given rates or better:
    - Toilets at 1.28 GPF;
    - Lavatory Faucets 1.0 GPM;
    - Kitchen Faucets 1.2 GPM;
    - Shower Heads 2.0 GPM.
- 4) Hazardous materials assessment and remediation must be completed in accordance with EPA requirements and best practices.
- a. Asbestos – project will be assessed for the existence of asbestos-containing building materials by qualified professionals:
    - i. National Emission Standards for Hazardous Air Pollutants (NESHAP) apply.
    - ii. Removal of asbestos must be carried out per federal EPA and state regulations and rules.
  - b. Lead - Health and Safety and Lead Safe Housing:
    - i. Lead-Based Paint
      - Federal and state regulations related to lead-based paint apply to target housing, which is defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.
      - Rehabilitation of target housing must be completed in a manner which ensures the health and safety of workers and residents, especially children. A number of regulations apply when lead painted surfaces are disturbed in residential properties, primarily requiring the appropriate training of workers and the use of safe work practices. In some cases, use of federal funds for rehabilitation will trigger a higher level of lead paint treatments based on the amount of federal money being used. The following regulations must be adhered to during all rehabilitation of target housing:
    - ii. Federal Regulations:
      - HUD Lead Safe Housing Rule (Title 24, Part 35) requires various levels of evaluation and treatment of lead paint hazards when federal money is used

for rehabilitation of target housing. More information is available at:

[https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr)

- EPA Renovation Repair and Painting Rule (40 CFR Part 745) – Requires contractors conducting renovation, repair or maintenance that disturbs paint in target housing or child-occupied facilities to be licensed by EPA and use lead- safe work practices to complete the work. Developers must ensure contractors are properly trained and licensed. More information is available at: <http://www2.epa.gov/lead>
- HUD/EPA Disclosure Regulations (Title 24, Part 35, Subpart A) – Requires owners of target housing to disclose all lead paint records and related information to potential buyers and/or tenants. More information is available at: [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12347.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf)
- OSHA Lead in Construction Rule (29 CFR Part 1926.62) - Proscribes personal protection measures to be taken when workers are exposed to any lead during construction projects. More information is available at: <https://www.osha.gov/Publications/OSHA3142.pdf>

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

## **B. SITE DESIGN AND DEVELOPMENT**

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

rehabilitation. If existing units do not contain washer/dryer hook-ups, then laundry facilities shall be provided for tenant use at all properties with more than 20 units on the site as follows:

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

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

## **C. BUILDING DESIGN AND CONSTRUCTION**

1. Exterior Building Design
  - a. Unless more stringent local zoning requirements apply, the following minimum design requirements shall be met:

- i. Building Façades shall utilize not less than three different building materials.
  - a) Exterior building materials exposed to the elements shall be low maintenance relative to the Project's geographic location.
- ii. Building Façades shall be multi-colored.
  - a) Each Building Façade shall include not less than two distinct colors.
  - b) Colors may be from the same hue family but shall be distinct from each other.
- iii. Buildings shall be individually marked with visible, contrasting identifying signage to minimize the response time of emergency personnel. Building identifying signs shall be illuminated so as to be clearly visible from dusk until dawn.

#### **D. UNIT DESIGN AND CONSTRUCTION**

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

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

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

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



## **SPECIAL PROJECTS**

### **A. SINGLE ROOM OCCUPANCY (SRO) DEVELOPMENTS**

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

### **B. ADAPTIVE REUSE PROJECTS**

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

## Part B: MFA 2022 Submission Instructions for Preliminary Architectural Documentation for Multifamily Housing Applications

All Applications shall provide at the time of submission the preliminary architectural documentation of the proposed Project. This submission shall be provided to demonstrate the intent of the Project to comply with the MFA 2022 Mandatory Design Standards for Multifamily Housing, New Mexico building Codes, the FHA, the National Housing Trust Fund Rehabilitation Standards, and the 2010 ADA Standards for Accessible Design as applicable. Additionally, if applicable, provide the completed Waiver Procedure for Design Requirements form or any preliminary approval granted prior to submission of the Application.

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

### SITE INFORMATION

The Preliminary Architectural Documentation shall include the following:

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

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

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

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

10. Preliminary Unit Plans

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

11. Preliminary Specifications:

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

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

- a. A rehabilitation scope of work shall be provided for all rehabilitation Projects.
- b. The rehabilitation scope of work shall describe the following:
  - i. Proposed changes to the site to remove barriers to accessibility
  - ii. Proposed changes to the buildings to provide a minimum 5 percent accessible units
  - iii. Proposed strategy to achieve a maximum HERS certification of 65 or better

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

## **CAPITAL NEEDS ASSESSMENT (CNA) REQUIREMENTS**

As required by the 2022 QAP, all rehabilitation and adaptive reuse projects must provide a CNA with the Application if requesting an exception from the 20-year requirement, prior to the issuance of the letter of determination for tax-exempt bond finance projects, or at carryover for all other projects, and may be required at MFA's discretion for any project requesting MFA financing. The CNA must be dated no earlier than 12 months prior to Carryover Application for 9% Projects and six months of initial Application for Private Activity Bond Volume Cap Projects.

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

- ◆ Must be prepared by an independent, third-party professional not involved in the design or preparation of drawings and specifications for the project.
- ◆ Must have no financial interest in the Project and must have no identity of interest with the Developer or Co-Developer or personal interest with respect to the parties involved.
- ◆ Preparer must demonstrate a minimum of three years' experience performing CNAs. Experience may be demonstrated by submitting a resumé, list of projects, applicable AIA form, or other documentation containing information on the project and year the CNA claimed for experience was completed.
- ◆ The preparer must submit the Certification of Qualified Professional – CNA form found in the 2022 Universal Rental Development Application Package.

## **ARCHITECTURAL REVIEW AND INSPECTION REQUIREMENTS**

All projects will be subject to a minimum of four design reviews by MFA (upon completion of the construction documents, twice during construction and upon full completion of the Project) to determine compliance with the Design Standards. Design review will require periodic site visits to determine compliance with Design Standards. Applicants shall not commence construction on a Project prior to receipt of MFA's written approval of complete construction documents for each form of MFA funding, including approval of any program-required environmental review clearances. Applicants are

required to post MFA-provided signs/banners in English and Spanish featuring MFA's fraud hotline at the Project work site(s) throughout duration of construction. In the event there are material design changes/differences between those plans and specifications submitted at Application and those contained in the final construction documents, MFA will require Applicant to submit a detailed narrative of material design changes made to final plans and specifications. MFA staff will make a good faith effort to perform an initial review of construction documents within 10 business days of submission of complete construction documents. Final approval will occur upon receipt of an approval recommendation from MFA's architect that all outstanding issues, if any, have been resolved.

## **QUARTERLY PROGRESS REPORTS**

All 9% Projects must submit a quarterly progress report to MFA on or before March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> each year, beginning with March 31<sup>st</sup> after the allocation year, and continuing until the Final Allocation Application has been submitted. All 4% Projects must submit a quarterly progress report to MFA following the issuance of a Final Determination letter, starting with the next quarter end, March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> each year. The information to be covered in the progress reports will be provided on MFA's website. Any failure to provide a timely progress report, or failure to provide a complete and accurate report containing the required information, may result in a loss of tax credits.

## 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.

<b>Amount of HOME Subsidy to the Buyer</b>	<b>Minimum Affordability Period</b>
<\$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 of an on-site monitoring visit.

## **LEAD-BASED PAINT REQUIREMENTS**

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

## **HOMELESS PREVENTION & RAPID RE-HOUSING STANDARDS**

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

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

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

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

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

## PRIORITIZATION

### HOMELESS PREVENTION

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

### RAPID RE-HOUSING

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

## ELIGIBLE PARTICIPANTS

### HOMELESSNESS PREVENTION

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

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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 three times the rent charged for the unit. Waiving the limitation on eligible costs under housing relocation and stabilization services to pay for the costs of landlord incentives will increase the number of housing units available to people experiencing homelessness or at risk of

homelessness, especially in tight rental markets and obtaining and maintaining housing is critical to preventing the spread of coronavirus and helping mitigate the economic impact of the crisis. The limitation to three times the rent charged for each unit ensures enough ESG-CV funds remain available to provide other eligible activities necessary to prevent the spread of coronavirus. Eligible landlord incentive costs include:

- a) Signing bonuses equal to up to 2 months of rent;
- b) Security deposits equal to up to 3 months of rent;
- c) Paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit; and,
- d) Paying the costs of extra cleaning or maintenance of a program participant's unit or appliances.

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

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

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 - 2022

County Name	<u>1-Unit Existing Home Sales</u>			<u>1-Unit New Home Sales</u>		
	HUD Limits*	MFA Median	MFA 95% of Median	HUD Limits*	MFA Median	MFA 95% of Median
Los Alamos County	\$323,000	\$260,000	\$247,000	\$323,000	no sales	no sales
Rio Arriba County	\$170,000	\$189,000	\$179,550	\$243,000	no sales	no sales
Santa Fe County	\$295,000	\$525,555	\$499,277	\$295,000	\$769,900	\$731,405
Taos County	\$271,000	\$470,000	\$446,500	\$271,000	\$459,000	\$436,050

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

HOME Purchase Price Limits

Los Alamos County

Existing homes

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

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area
202105021	Condo	Sold	1/21/2022	\$166,374	505 Oppenheimer Dr.	51-Eastern Area
202105436	Condo	Sold	1/23/2022	\$180,000	3055 Trinity Dr	51-Eastern Area
202105496	Single Family	Sold	12/30/2021	\$183,500	424 Kiva	51-Eastern Area
202105317	Condo	Sold	1/11/2022	\$200,000	1001 Oppenheimer 505 OPPENHEIMER DR	51-Eastern Area
202105025	Condo	Sold	12/22/2021	\$225,400	#109	51-Eastern Area
202200035	Condo	Sold	2/1/2022	\$230,000	505 OPPENHEIMER DR	51-Eastern Area
202105114	Condo	Sold	1/30/2022	\$245,000	3055 TRINITY DR	51-Eastern Area
202105239	Condo	Sold	1/27/2022	\$246,000	505 Oppenheimer	51-Eastern Area
202104850	Condo	Sold	12/7/2021	\$260,000	1300 Iris	51-Eastern Area
202105030	Townhouse	Sold	12/21/2021	\$260,000	1379 45th	52-West Area-
202105111	Single Family	Sold	1/21/2022	\$312,000	614 47TH ST	West
202105123	Townhouse	Sold	1/14/2022	\$312,000	4469 A FAIRWAY DR	52-West Area-
202105264	Single Family	Sold	1/22/2022	\$355,000	1063 OPAL ST	West
202105188	Townhouse	Sold	1/24/2022	\$357,000	424 OPPENHEIMER DR	51-Eastern Area
202105269	Townhouse	Sold	1/28/2022	\$360,000	484 OPPENHEIMER DR	51-Eastern Area
202105304	Condo	Sold	1/19/2022	\$375,000	505 OPPENHEIMER DR	51-Eastern Area
202104825	Townhouse	Sold	12/20/2021	\$454,000	47 TIMBER RIDGE RD	51-Eastern Area

HOME Purchase Price Limits

Rio Arriba County

Existing homes

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

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Ex
202200232	Manufactured Home	Sold	1/27/2022	\$143,250	2231 N McCurdy Rd	32- Fairview	Existing
202105018	Mobile Home	Sold	1/19/2022	\$155,000	1313 N. Orchard 1905 Avenida	32- Fairview	Existing
202105078	Single Family	Sold	11/24/2021	\$160,000	Canada 11 Private Drive	41- Fairview	Existing
202104854	Single Family Manufactured	Sold	1/3/2022	\$189,000	17931	Chama 32-	Existing
202105450	Home	Sold	12/22/2021	\$215,000	0 EL LLANO	32- Fairview	Existing
202104881	Single Family Manufactured	Sold	12/28/2021	\$225,000	722 Las Vegas St	36- Fairview	Existing
202104907	Home	Sold	1/13/2022	\$245,000	12 Rincon de la Jolla 25 County Road	34-La Velarde	Existing
202104866	Manufactured Home	Sold	1/26/2022	\$246,000	126A	Mesilla	Existing

HOME Purchase Price Limits

Santa Fe County

Existing homes

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

Median price indicated in red



MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Existing
202104858	Single Family	Sold	12/30/2021	\$166,000	62 Camino Cerro Chato	12-Madrid/Cerrillos	Existing
202105042	Condo	Sold	12/20/2021	\$179,500	2600 W Zia Road	4S-SF City Limit SWS	Existing
202104988	Condo	Sold	12/14/2021	\$180,000	941 CALLE MEJIA	2-SF City Limits NW	Existing
202104921	Condo	Sold	12/2/2021	\$182,000	812 CAMINO DE MONTE REY	4S-SF City Limit SWS	Existing
202104929	Condo	Sold	11/24/2021	\$186,500	2501 W Zia	4S-SF City Limit SWS	Existing
202105387	Condo	Sold	1/26/2022	\$205,000	2501 W Zia	4S-SF City Limit SWS	Existing
202104891	Townhouse	Sold	12/15/2021	\$206,000	1604 CALLE DE ORIENTE NORTE	4S-SF City Limit SWS	Existing
202104941	Condo	Sold	1/14/2022	\$224,000	1157 CALLE AMANDA	13-Airport Road Area	Existing
202104876	Single Family	Sold	1/1/2022	\$233,000	94 Aspen Road	17-Far SSF Cnty Area	Existing
202104936	Condo	Sold	1/3/2022	\$234,500	941 CALLE MEJIA	1-SF City Limits NE	Existing
202105299	Condo	Sold	1/12/2022	\$237,000	1145 CALLE AMANDA	13-Airport Road Area	Existing
202104893	Manufactured Home	Sold	1/28/2022	\$237,000	54 PINE 2210	11-Hwy 14/CR 42 E	Existing
202105400	Condo	Sold	1/22/2022	\$245,000	MIGUEL CHAVEZ	3S-SF City SE South	Existing
202200051	Condo	Sold	2/1/2022	\$252,000	941 Calle Mejia	2-SF City Limits NW	Existing
202105233	Condo	Sold	1/28/2022	\$255,000	2501 W Zia Rd Unit 11-101	4N-SF City Limit SWN	Existing
202105125	Condo	Sold	12/23/2021	\$260,000	941 Calle Mejia	2-SF City Limits NW	Existing
202104841	Condo	Sold	12/30/2021	\$260,000	941 CALLE MEJIA	2-SF City Limits NW	Existing
202105227	Townhouse	Sold	12/22/2021	\$265,000	2210 MIGUEL CHAVEZ	3S-SF City SE South	Existing

2021049 43	Manufactur ed Home	Sold	1/14/2022	\$274,000	1299 Vegas Verdes	4N-SF City Limit SWN	Existing
2021050 91	Manufactur ed Home	Sold	1/11/2022	\$275,000	12 LUCERITO 2412 CALLE	6-La Cienega Area	Existing
2021052 93	Single Family	Sold	12/22/2021	\$280,500	LOMA BONITA	4S-SF City Limit SWS	Existing
2022001 00	Single Family	Sold	1/14/2022	\$300,000	17 Via Sagrada	027RV - Rancho Viejo	Existing
2021049 25	Condo	Sold	12/13/2021	\$300,000	3760 Academy 1629 CALLE DE	13-Airport Road Area	Existing
2021052 18	Townhouse	Sold	1/21/2022	\$317,000	ORIENTE NORTE	4S-SF City Limit SWS	Existing
2021054 65	Condo	Sold	1/28/2022	\$320,000	1344 Pacheco 1103	4S-SF City Limit SWS	Existing
2021050 07	Single Family	Sold	1/12/2022	\$321,000	Willow Way	13-Airport Road Area	Existing
2021050 70	Condo	Sold	1/15/2022	\$321,000	320 ARTIST #66	1-SF City Limits NE	Existing
2021051 65	Manufactur ed Home	Sold	1/13/2022	\$325,000	56 COUNTY RD 84	16-Pojoaque Valley	Existing
2021050 28	Condo	Sold	1/25/2022	\$326,000	1342 Pacheco St	4S-SF City Limit SWS	Existing
2021053 14	Condo	Sold	12/13/2021	\$328,500	934 Shoofly 1026 AVENIDA	4N-SF City Limit SWN	Existing
2021048 99	Single Family	Sold	1/19/2022	\$329,000	DE LAS CAMPANAS	4S-SF City Limit SWS	Existing
2021051 21	Condo	Sold	12/26/2021	\$330,000	3228 LA PAZ	4N-SF City Limit SWN	Existing
2022001 84	Single Family	Sold	1/24/2022	\$338,000	3062 FLORAS DEL SOL	13-Airport Road Area	Existing
2021048 79	Single Family	Sold	1/30/2022	\$343,000	4305 CALLE GUILLERM O	13-Airport Road Area	Existing
2021052 32	Single Family	Sold	1/28/2022	\$345,944	4812 Solecito Circle	13-Airport Road Area	Existing
2021050 23	Single Family	Sold	12/30/2021	\$349,000	2074 CALLE ENSENADA	4S-SF City Limit SWS	Existing
2021052 44	Single Family	Sold	1/21/2022	\$350,000	128 Carson Valley Way	11-Hwy 14/CR 42 E	Existing

2021050						601 W San		
44	Townhouse	Sold	12/20/2021	\$350,000	171	Mateo Unit	4S-SF City	Existing
2021050					1717		Limit SWS	
88	Condo	Sold	11/23/2021	\$350,000	MONTANO		2-SF City	Existing
					131		Limits NW	
2021051	Single				CARSON		11-Hwy	
09	Family	Sold	12/26/2021	\$352,000	VALLEY		14/CR 42 E	Existing
2021050					1405 Vegas		4S-SF City	
40	Condo	Sold	12/29/2021	\$355,000	Verdes		Limit SWS	Existing
					1405			
2021049					VEGAS		4S-SF City	
08	Condo	Sold	1/28/2022	\$355,000	VERDES		Limit SWS	Existing
2021048	Single				56 Sunset		11-Hwy	
86	Family	Sold	12/30/2021	\$355,000	Canyon		14/CR 42 E	Existing
2021052					601 W San		4S-SF City	
55	Townhouse	Sold	1/20/2022	\$357,500	Mateo		Limit SWS	Existing
2021051					2986 PLAZA		4S-SF City	
94	Townhouse	Sold	1/19/2022	\$359,375	AZUL		Limit SWS	Existing
					6513			
2021048	Single				Winding		13-Airport	
12	Family	Sold	12/7/2021	\$360,000	Ridge Loop		Road Area	Existing
2022002					2180		4N-SF City	
10	Condo	Sold	1/26/2022	\$360,000	ALAMEDA		Limit SWN	Existing
2021048	Single				3 Monte		16-Pojoaque	
47	Family	Sold	12/16/2021	\$377,000	Enebro		Valley	Existing
					4553			
2021051	Single				CAMINO		13-Airport	
78	Family	Sold	12/30/2021	\$380,000	VERDE		Road Area	Existing
					2726			
2021053	Single				Camino		4S-SF City	
79	Family	Sold	1/31/2022	\$389,900	Lazo		Limit SWS	Existing
					4416			
2022002	Single				Autumn		4S-SF City	
14	Family	Sold	1/26/2022	\$392,000	Leaf Ln.		Limit SWS	Existing
2021048	Single				154 Carson		11-Hwy	
30	Family	Sold	12/20/2021	\$394,000	Valley Way		14/CR 42 E	Existing
					4615			
2021048	Single				SUNSET		13-Airport	
61	Family	Sold	1/20/2022	\$395,000	RIDGE		Road Area	Existing
					4205			
2021054	Single				Coyote		13-Airport	
06	Family	Sold	1/27/2022	\$395,000	Lane		Road Area	Existing
					1712			
2021051	Single				Callejon		4N-SF City	
26	Family	Sold	1/20/2022	\$397,500	Emilia		Limit SWN	Existing
2021053							1-SF City	
93	Condo	Sold	1/21/2022	\$400,000	749 Alto		Limits NE	Existing

2021052	51	Townhouse	Sold	12/15/2021	\$400,000	110 Del Rio 4089	2-SF City Limits NW	Existing
2021051	92	Single Family	Sold	1/13/2022	\$405,000	MONTANA VERDE 6821	4S-SF City Limit SWS	Existing
2021054	13	Single Family	Sold	1/21/2022	\$410,000	Sunset Circle 858 VIENTO	13-Airport Road Area	Existing
2021048	53	Townhouse	Sold	12/10/2021	\$411,000	SEGUNDO 2732	2-SF City Limits NW	Existing
2021049	30	Single Family	Sold	12/10/2021	\$411,662	Alamosa 5 Buffalo	4N-SF City Limit SWN	Existing
2021054	27	Single Family	Sold	1/14/2022	\$412,343	Draw 11	27-South of I- 25	Existing
2021051	24	Single Family	Sold	1/5/2022	\$414,000	VICTORIO PEAK 6424	027RV - Rancho Viejo	Existing
2021048	59	Single Family	Sold	12/8/2021	\$416,000	CERROS GRANDES	13-Airport Road Area	Existing
2021052	95	Townhouse	Sold	1/24/2022	\$425,000	102 Del Rio 4748	2-SF City Limits NW	Existing
2021051	83	Single Family	Sold	12/16/2021	\$425,000	HIGHLANDS 2710 CALLE	13-Airport Road Area	Existing
2021051	98	Single Family	Sold	1/5/2022	\$425,000	CEDRO 15	4S-SF City Limit SWS	Existing
2021048	96	Single Family	Sold	12/15/2021	\$425,000	ESQUINA 2957 Camino	14-Eldorado	Existing
2021049	18	Single Family	Sold	11/24/2021	\$425,000	Piedra Lumbre 2320	4S-SF City Limit SWS	Existing
2021049	80	Single Family	Sold	12/20/2021	\$429,000	CEDROS 2928	4S-SF City Limit SWS	Existing
2021050	39	Single Family	Sold	1/7/2022	\$430,000	Camino Del Gusto 63 REATA	4S-SF City Limit SWS	Existing
2021048	84	Single Family	Sold	12/26/2021	\$434,500	ROAD	6-La Cienega Area	Existing
2021050	68	Single Family	Sold	1/19/2022	\$435,000	408 La Joya 3079 Floras	4N-SF City Limit SWN	Existing
2021050	35	Single Family	Sold	12/29/2021	\$435,000	del Sol 1012	13-Airport Road Area	Existing
2021050	17	Condo	Sold	1/12/2022	\$440,000	Marquez Place	3N-SF City SE North	Existing
2021049	99	Single Family	Sold	12/16/2021	\$440,000	20 Garbosa	14-Eldorado	Existing

2021051	Single				6340		
43	Family	Sold	1/10/2022	\$443,464	Avenida	13-Airport	Existing
2021048	Single				Chamisa	Road Area	
80	Family	Sold	12/10/2021	\$454,000	1550	4S-SF City	Existing
					Sipapu	Limit SWS	
2021050					324 CALLE		
86	Condo	Sold	1/14/2022	\$460,000	LOMA	1-SF City	Existing
2021048	Single				NORTE	Limits NE	
60	Family	Sold	12/1/2021	\$470,000	2862 PLAZA	4S-SF City	Existing
					VERDE	Limit SWS	
2022001					624		
01	Condo	Sold	1/14/2022	\$475,000	Galisteo,	3S-SF City SE	Existing
					Unit 25	South	
2021048					624		
70	Condo	Sold	12/7/2021	\$475,000	Galisteo	3N-SF City SE	Existing
					#30	North	
2021051	Single				2		
62	Family	Sold	1/17/2022	\$475,000	BRIMHALL	027RV -	Existing
					WASH	Rancho Viejo	
2021049	Single				117		
64	Family	Sold	1/12/2022	\$480,000	Candelario	1-SF City	Existing
2021048	Single				Street	Limits NE	
13	Family	Sold	12/22/2021	\$481,000	2003 Kiva	4N-SF City	Existing
2022002					Rd	Limit SWN	
48	Condo	Sold	1/28/2022	\$498,625	17 PUEBLO	15-Tesuque	Existing
2021051	Single				DE CIELO	Area	
40	Family	Sold	1/5/2022	\$500,000	2913 VIALE	4S-SF City	Existing
2021052	Single				TRESANA	Limit SWS	
14	Family	Sold	12/30/2021	\$525,000	26		Existing
2021048					HERRADA	14-Eldorado	
98	Condo	Sold	11/22/2021	\$525,000	320 ARTIST	1-SF City	Existing
					509	Limits NE	
2021049	Single				Escudero	4N-SF City	
01	Family	Sold	12/21/2021	\$525,000	St.	Limit SWN	Existing
2021048	Single				620 ONATE	4N-SF City	
94	Family	Sold	12/6/2021	\$525,555	PL	Limit SWN	Existing
					527		
2021048	Single				Franklin	4N-SF City	
17	Family	Sold	12/23/2021	\$525,867	Avenue	Limit SWN	Existing
2021053	Single				2704 SOL Y	4S-SF City	
92	Family	Sold	1/26/2022	\$540,379	LUZ LOOP	Limit SWS	Existing
					1000		
2021049	Single				Canyon	1-SF City	
82	Family	Sold	12/10/2021	\$549,000	Road	Limits NE	Existing
2021054	Single				107 Paseo	2-SF City	
94	Family	Sold	12/30/2021	\$550,000	Nopal	Limits NW	Existing

2022000	Single					2 FAJADA	027RV -	
72	Family	Sold	1/28/2022	\$550,000	WASH	997 Calle	Rancho Viejo	Existing
2021049	Single					997 Calle	4N-SF City	
61	Family	Sold	12/14/2021	\$557,390	Carmilita	811 W	Limit SWN	Existing
2021049						811 W	1-SF City	
97	Condo	Sold	12/9/2021	\$558,000	Manhattan	112	Limits NE	Existing
2021050	Single					BOSQUECIL	27-South of I-	
85	Family	Sold	1/4/2022	\$558,000	LO	2180 West	25	Existing
2021052						2180 West	2-SF City	
97	Condo	Sold	1/20/2022	\$565,000	Alameda	316 Artist	Limits NW	Existing
2021050	Single					316 Artist	1-SF City	
10	Family	Sold	11/18/2021	\$570,000	Road	232	Limits NE	Existing
2021054						CAMINO DE	1-SF City	
86	Townhouse	Sold	12/29/2021	\$587,500	LA SIERRA	9 Recado	Limits NE	Existing
2021050	Single					9 Recado		
79	Family	Sold	1/14/2022	\$588,500	Road		14-Eldorado	Existing
2021048	Single							
97	Family	Sold	12/10/2021	\$599,000	8 LOBO	20 Calle	14-Eldorado	Existing
2021050	Single					20 Calle	6-La Cienega	
82	Family	Sold	1/12/2022	\$600,000	Milpa	1420 Santa	Area	Existing
2021053	Single					1420 Santa	4S-SF City	
52	Family	Sold	12/14/2021	\$605,000	Cruz Drive	2713 VIA	Limit SWS	Existing
2021050	Single					CABALLERO	4S-SF City	
92	Family	Sold	1/14/2022	\$605,000	DEL SUR	12	Limit SWS	Existing
2021052	Single					Mescalero	7-South AND	
53	Family	Sold	12/15/2021	\$615,000	Ridge	4 LOBO	West of I-25	Existing
2021052	Single					4 LOBO		
37	Family	Sold	1/12/2022	\$620,000	LANE	125 Camino	14-Eldorado	Existing
2021049	Single					de las	2-SF City	
39	Family	Sold	12/30/2021	\$625,000	Crucitas		Limits NW	Existing
2021049	Single							
22	Family	Sold	2/1/2022	\$625,000	4 Verano Ct	32 Juego	14-Eldorado	Existing
2021050	Single					32 Juego		
27	Family	Sold	1/12/2022	\$630,000	Road	1324	14-Eldorado	Existing
2021051	Single					1324	4N-SF City	
39	Family	Sold	1/13/2022	\$632,110	Hickox St	1500	Limit SWN	Existing
2021050						AVENIDA	2-SF City	
06	Condo	Sold	12/23/2021	\$650,000	RINCON	52	Limits NW	Existing
2021050	Single					VICTORIO	027RV -	
65	Family	Sold	12/7/2021	\$651,000	PEAK		Rancho Viejo	Existing

2022000	Single					2723 VIA		
34	Family	Sold	1/31/2022	\$660,000		CABALLERO	4S-SF City	
2021050	Single					DEL SUR	Limit SWS	Existing
43	Family	Sold	12/26/2021	\$665,000		7 VISTA	25S- NW	
2021048	Single					PRECIOSO	Quadrant-S	Existing
57	Family	Sold	12/14/2021	\$668,701		2 RABBIT	27-South of I-	
2021054						RUN W	25	Existing
10	Condo	Sold	1/19/2022	\$695,700		3101 Old	3S-SF City SE	
						Pecos Trail	South	Existing
						4149		
2021053	Single					Soaring	4S-SF City	
85	Family	Sold	1/27/2022	\$700,000		Eagle Lane	Limit SWS	Existing
						3101 Old		
2021052						Pecos Trail	3S-SF City SE	
76	Condo	Sold	1/14/2022	\$700,000		#519	South	Existing
						1010		
2021053						Marquez	3N-SF City SE	
03	Condo	Sold	2/1/2022	\$714,600		Place	North	Existing
2021050	Single					12 Calle	25S- NW	
20	Family	Sold	12/22/2021	\$725,000		Vecinos	Quadrant-S	Existing
						610		
2022002	Single					CAMINITO	3S-SF City SE	
31	Family	Sold	1/27/2022	\$725,000		DEL SOL	South	Existing
2021053	Single					1116 S	2-SF City	
83	Family	Sold	12/15/2021	\$732,815		Luna Circle	Limits NW	Existing
						780 ASPEN		
2021050	Single					COMPOUN	1-SF City	
22	Family	Sold	12/10/2021	\$746,000		D	Limits NE	Existing
						1205		
2021050	Single					Gonzales	1-SF City	
38	Family	Sold	12/23/2021	\$750,000		Court	Limits NE	Existing
						6		
2021049	Single					Camerada		
70	Family	Sold	12/29/2021	\$753,000		Road	14-Eldorado	Existing
2021048	Single					405 Greg	2-SF City	
89	Family	Sold	12/17/2021	\$770,000		Avenue	Limits NW	Existing
2021048	Single					129 W	3N-SF City SE	
26	Family	Sold	11/19/2021	\$770,000		Berger	North	Existing
2021051	Single					1721 Ridge	2-SF City	
01	Family	Sold	11/24/2021	\$776,984		Pointe Loop	Limits NW	Existing
						67		
2021052	Single					AVENIDA		
89	Family	Sold	1/31/2022	\$779,000		DE LA PAZ	10-Hwy 285	Existing
						11 East		
2021051	Single					Chili Line	027RV -	
29	Family	Sold	1/14/2022	\$780,000		Road	Rancho Viejo	Existing
2021052	Single					25 ARROYO	25S- NW	
43	Family	Sold	12/23/2021	\$815,000		PRIVADO	Quadrant-S	Existing

2021048	Single					2225 CALLE	3N-SF City SE	
82	Family	Sold	12/18/2021	\$820,126		ALVARADO	North	Existing
2021052	Single					11 Cagua		
31	Family	Sold	12/28/2021	\$825,000		Road	14-Eldorado	Existing
2021048	Single					2363 Brunn	3S-SF City SE	
71	Family	Sold	12/30/2021	\$825,000		School Lane	South	Existing
2021049	Single					75 La	27-South of I-	
12	Family	Sold	1/25/2022	\$825,000		Pradera	25	Existing
2021049	Single					20 AGUA		
66	Family	Sold	12/9/2021	\$826,800		VIVIENDO	10-Hwy 285	Existing
2021048	Single					31 Herrada		
64	Family	Sold	12/10/2021	\$840,000		Road	14-Eldorado	Existing
2021048	Single					8 COYOTE	11-Hwy	
23	Family	Sold	12/14/2021	\$849,000		LOCO	14/CR 42 E	Existing
2021052	Single					200 CALLE	3S-SF City SE	
79	Family	Sold	1/22/2022	\$850,000		SAN SIMON	South	Existing
2021054						624 E	3N-SF City SE	
04	Condo	Sold	12/17/2021	\$850,000		ALAMEDA	North	Existing
2021052	Single					477 Calle	3N-SF City SE	
73	Family	Sold	12/29/2021	\$860,000		Volver	North	Existing
2021048	Single					1521 Calle	3N-SF City SE	
27	Family	Sold	12/3/2021	\$860,000		Preciosa	North	Existing
						17		
2021053	Single					Longhorn	25N- NW	
88	Family	Sold	1/27/2022	\$875,000		Lane	Quadrant-N	Existing
						2		
2021051	Single					REDONDO	027RV -	
42	Family	Sold	1/26/2022	\$895,000		PEAK	Rancho Viejo	Existing
2021053	Single					5 Los	7-South AND	
51	Family	Sold	12/14/2021	\$910,500		Pinoneros	West of I-25	Existing
						1004		
2021050	Single					Camino San	3N-SF City SE	
09	Family	Sold	12/22/2021	\$950,000		Acacio	North	Existing
2021054	Single					38 Blue Jay	25S- NW	
53	Family	Sold	12/23/2021	\$1,065,000		Drive	Quadrant-S	Existing
						1520		
2021052	Single					Canyon	1-SF City	
80	Family	Sold	12/28/2021	\$1,075,000		Road	Limits NE	Existing
2021049	Single					13 DREAM	25S- NW	
40	Family	Sold	12/17/2021	\$1,085,000		CATCHER	Quadrant-S	Existing
2021049	Single					19 Vuelta	25N- NW	
11	Family	Sold	12/15/2021	\$1,100,000		Sabio	Quadrant-N	Existing
2021048	Single					2 Rain	24-Las	
14	Family	Sold	12/8/2021	\$1,107,980		Dance Ct	Campanas	Existing
2021051						4A Lodge	15-Tesuque	
95	Condo	Sold	12/29/2021	\$1,115,000		Circle	Area	Existing



2021051	Single			\$1,200,0	26 Camino		
03	Family	Sold	1/14/2022	00	Los		
2021049	Single			\$1,200,0	Angelitos	10-Hwy 285	Existing
72	Family	Sold	12/10/2021	00	100 W	3N-SF City SE	
2021050	Single			\$1,212,2	Barcelona	North	Existing
56	Family	Sold	1/12/2022	85	1396 Hyde	1-SF City	
					Park Road	Limits NE	Existing
					43 PASEO		
2021051	Single			\$1,250,0	ENCANTAD	15-Tesuque	
41	Family	Sold	11/29/2021	00	O SW	Area	Existing
					1901		
2021050	Single			\$1,294,0	Cerros	1-SF City	
52	Family	Sold	12/2/2021	00	Colorados	Limits NE	Existing
					13		
2021052	Single			\$1,295,0	Hawthorne	24-Las	
88	Family	Sold	1/18/2022	00	Circle	Campanas	Existing
					1008		
2021050	Single			\$1,325,0	Foothills	3N-SF City SE	
63	Family	Sold	1/20/2022	00	Trail	North	Existing
2021052	Single			\$1,339,0	71	24-Las	
87	Family	Sold	12/15/2021	00	Wildhorse	Campanas	Existing
2021048	Single			\$1,350,0	218 E	3N-SF City SE	
95	Family	Sold	12/4/2021	00	Buena Vista	North	Existing
2021052	Single			\$1,355,0	821 Los	1-SF City	
01	Family	Sold	12/21/2021	00	Arboles Ln	Limits NE	Existing
2021049	Single			\$1,375,0	3165 Vista	25N- NW	
59	Family	Sold	1/28/2022	00	Sandia	Quadrant-N	Existing
					49 and 55		
2022001	Single			\$1,375,0	Zambra	15-Tesuque	
41	Family	Sold	1/19/2022	00	Way	Area	Existing
2021050	Single			\$1,400,0	14 Sendero	25S- NW	
45	Family	Sold	1/5/2022	00	de la Vida	Quadrant-S	Existing
2021050	Single			\$1,455,0	415 Camino	3N-SF City SE	
55	Family	Sold	1/25/2022	00	Delora	North	Existing
					1861 Sun		
2021053	Single			\$1,491,5	Mountain	3N-SF City SE	
98	Family	Sold	1/18/2022	00	Drive	North	Existing
					1069		
2021050	Single			\$1,610,0	Camino	1-SF City	
34	Family	Sold	12/22/2021	00	Manana	Limits NE	Existing
2021049	Single			\$1,695,0	16 Cloud	25S- NW	
81	Family	Sold	12/28/2021	00	March E	Quadrant-S	Existing
2021053	Single			\$1,959,1	28 Aloe	24-Las	
69	Family	Sold	1/28/2022	70	Circle	Campanas	Existing
2021050	Single			\$1,997,5	13 Astor	24-Las	
80	Family	Sold	1/18/2022	00	Circle	Campanas	Existing
2021049	Single			\$2,250,0	2300	3N-SF City SE	
56	Family	Sold	12/20/2021	00	Wilderness	North	Existing

					Heights Road 3961/3963		
2022002	Single			\$2,346,7	Old Santa	3N-SF City SE	
70	Family	Sold	1/31/2022	25	Fe Trail	North	Existing
2021052	Single			\$2,393,0	906 Canyon	1-SF City	
86	Family	Sold	1/6/2022	00	Rd	Limits NE	Existing
2021049	Single			\$2,600,0	6 Shorthorn	25N- NW	
54	Family	Sold	1/4/2022	00	Ln	Quadrant-N	Existing
					588 Camino		
2021051	Single			\$2,700,0	del Monte	3N-SF City SE	
91	Family	Sold	1/27/2022	00	Sol	North	Existing
2021051	Single			\$2,800,0	611 Garcia	3N-SF City SE	
32	Family	Sold	12/10/2021	00	St	North	Existing
2021048	Single			\$3,150,0		3N-SF City SE	
55	Family	Sold	11/3/2021	00	805 Garcia	North	Existing
2021054	Single			\$3,360,0	7 Bluestem	24-Las	
61	Family	Sold	12/23/2021	00	Drive	Campanas	Existing
					1422		
2021051	Single			\$3,640,0	Bishops	15-Tesuque	
13	Family	Sold	1/20/2022	00	Lodge Rd	Area	Existing

HOME Purchase Price Limits

Santa Fe County

New homes

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

Median price indicated in red

MLS #	Type	Status	Status Date	Price	Address #/Dir/Street Name	Area	New/Existing
20220014	Single				18 VIA	25S- NW	
3	Family	Sold	1/19/2022	\$380,950	SUMMA	Quadrant-S	New
20210511	Single				23 Craftsman	27-South of	
5	Family	Sold	1/11/2022	\$655,000	Rd	I-25	New
20210506	Single				6 Pinon	27-South of	
1	Family	Sold	12/30/2021	\$719,900	Doblado	I-25	New
20210516	Single				3 Pinon	27-South of	
9	Family	Sold	12/23/2021	\$729,900	Doblado	I-25	New
20210513	Single				1 Pinon	27-South of	
8	Family	Sold	1/7/2022	\$769,900	Doblado	I-25	New
20210550	Single				46 Balsa		
0	Family	Sold	12/30/2021	\$785,000	Road	14-Eldorado	New
20210525	Single						
4	Family	Sold	1/21/2022	\$835,000	1 GARBOSA	14-Eldorado	New
					82 PASEO		
20210508	Single				LAS	24-Las	
7	Family	Sold	11/23/2021	\$856,308	TERRAZAS	Campanas	New
20220017	Single					25S- NW	
2	Family	Sold	1/21/2022	\$869,000	15 VIA VITAE	Quadrant-S	New
20210487	Single				1513 CALLE	3N-SF City	
2	Family	Sold	12/13/2021	\$925,000	PRECIOSA	SE North	New

HOME Purchase Price Limits

Taos County

Existing homes

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

Median price indicated in red

MLS #	Asking Price	Sold Price	Closing Date	Address	City	New/Existing
106791	\$89,900	\$89,900	11/15/2021	2715 State Road 76	Chamisa	Existing
107603	\$119,000	\$100,000	1/31/2022	427 Herdner	Taos	Existing
107081	\$119,000	\$119,000	11/23/2021	507 Calle Unida	Taos	Existing
104162	\$160,000	\$120,000	11/19/2021	150 Coyote Moon	Piedras	Existing
104928	\$147,500	\$139,000	12/15/2021	10 Third Street	El Prado	Existing
106326	\$164,900	\$140,000	12/1/2021	70 Ranchos Plaza	de Taos	Existing
107361	\$149,000	\$149,000	11/19/2021	316 Center Court	Red River	Existing
107555	\$176,000	\$167,000	12/10/2021	22 Luna Madre	Questa	Existing
105131	\$169,900	\$169,900	12/30/2021	4904 Highway 518	Tres Ritos	Existing
107115	\$185,000	\$185,000	11/15/2021	365 Avenida de Veronica	El Prado	Existing
107490	\$210,000	\$207,500	1/21/2022	56 Lookout Drive	Taos	Existing
107581	\$232,000	\$222,000	1/12/2022	125 Monte Vista Road	Carson	Existing
107439	\$259,000	\$265,000	12/30/2021	38 Bitter Creek Rd	Red River	Existing
107745	\$265,000	\$265,000	1/11/2022	920 Calle del Llano	Taos	Existing
107094	\$280,000	\$270,000	11/15/2021	54 Lower Las Colonias Road	El Prado	Existing
104122	\$350,000	\$275,000	1/20/2022	14 Black Copper	Red River	Existing
107485	\$269,000	\$280,000	1/6/2022	7 Camino Coyote	El Prado	Existing
106872	\$325,000	\$283,000	12/7/2021	103 Embargo Road	Questa	Existing
107838	\$239,000	\$290,000	1/14/2022	55 Vista Linda	Taos	Existing
107467	\$265,000	\$292,000	12/28/2021	1245 Rainbow Street	Taos	Existing
107552	\$335,000	\$293,500	11/9/2021	824 Witt Road	Taos	Existing
107536	\$300,000	\$300,000	1/19/2022	19 Red Sky Road	Taos	Existing
107756	\$325,000	\$302,500	12/28/2021	7 Shadow Mountain	El Prado	Existing
106607	\$330,000	\$320,000	12/10/2021	27 Cactus Flower Rd	Taos	Existing
106870	\$359,000	\$330,000	12/11/2021	2697 Hwy 522	Questa	Existing
107401	\$349,000	\$342,500	11/2/2021	6 Dulcimer Road	Questa	Existing
106959	\$339,900	\$349,900	12/3/2021	23 Camino Coyote	El Prado	Existing
106991	\$349,000	\$352,101	12/23/2021	127 Oakley Lane	Taos	Existing
106670	\$399,000	\$352,500	11/12/2021	619 salazar	taos	Existing
107450	\$375,000	\$356,000	11/16/2021	1 Bullsake rd	El Prado	Existing
107050	\$399,000	\$370,000	11/2/2021	703 Don Roberto Road	Taos	Existing
99466	\$397,000	\$380,000	1/4/2022	00 Old HWY 540	Costilla	Existing
107158	\$375,000	\$381,000	11/3/2021	423 Ranchitos Road	Taos	Existing
107771	\$389,700	\$389,700	1/10/2022	619 Chapel Lane	Taos	Existing
107104	\$450,000	\$395,000	12/20/2021	26 Lobo Road	Arroyo Seco	Existing
106768	\$410,000	\$400,000	1/19/2022	40 Leyba	Taos	Existing

107236	\$499,000	\$417,500	12/20/2021	30 Ace Barnes Road	Red River	Existing
106579	\$435,000	\$425,000	12/29/2021	907 Tenderfoot Ct	Red River	Existing
106271	\$429,000	\$429,000	11/1/2021	217 Este Es Rd	Taos	Existing
107319	\$449,000	\$437,000	11/2/2021	245 Morgan Rd	Taos	Existing
103781	\$459,000	\$442,000	1/11/2022	208 Montoya St	Taos	Existing
107310	\$435,000	\$445,000	12/1/2021	1 Alison Road	Taos	Existing
					San	
107362	\$460,000	\$455,000	1/19/2022	85 Camino del Medio	Cristobal	Existing
					Arroyo	
107615	\$430,000	\$470,000	11/15/2021	29 Las Animas	Seco	Existing
				48 B Hondo Seco	Arroyo	
107472	\$525,000	\$508,000	11/22/2021	Road	Hondo	Existing
107827	\$485,000	\$509,675	1/14/2022	225 Ranchitos Road	Taos	Existing
107295	\$549,000	\$530,000	11/5/2021	209 Adobe Rd	Taos	Existing
106918	\$564,000	\$530,000	1/5/2022	612 Critcher Rd	Taos	Existing
					Ranchos	
107522	\$525,000	\$535,000	11/12/2021	65 Vista Linda Rd	de Taos	Existing
108036	\$549,000	\$549,000	1/13/2022	102 Martyrs Lane	Taos	Existing
107460	\$519,000	\$550,000	12/1/2021	9 Calle Angelo	Taos	Existing
				130A Upper		
107627	\$559,700	\$550,000	1/4/2022	Ranchitos	Taos	Existing
107500	\$599,000	\$565,000	12/8/2021	5 Rova Drive	Taos	Existing
				743 Camino de la		
106741	\$549,900	\$580,500	12/30/2021	Finca	Taos	Existing
				125A Lower Las		
107424	\$585,000	\$590,000	11/19/2021	Colonias Rd	El Prado	Existing
107420	\$595,000	\$600,000	12/31/2021	1305 Amador Lane	Taos	Existing
				265 Los Cordovas	Ranchos	
107314	\$635,000	\$619,500	12/28/2021	Road	de Taos	Existing
107117	\$585,000	\$626,000	11/5/2021	61 Clint Road	Taos	Existing
107560	\$625,000	\$635,500	11/30/2021	4 Gina Lane	El Prado	Existing
				24C Upper Las		
107492	\$699,000	\$650,000	12/30/2021	Colonias	El Prado	Existing
107383	\$650,000	\$650,000	12/7/2021	45 Monte Vista	Red River	Existing
105990	\$688,000	\$665,000	12/13/2021	1102 E High St	Red River	Existing
107032	\$725,000	\$670,000	11/8/2021	150 Cerrito Colorado	Valdez	Existing
					Taos Ski	
107269	\$695,000	\$685,000	11/22/2021	1304 State Hwy 150	Valley	Existing
					Ranchos	
107324	\$680,000	\$696,000	12/23/2021	44 Vista Linda Road	De Taos	Existing
107516	\$747,000	\$705,000	1/13/2022	122 Upper Ranchitos	Taos	Existing
107776	\$725,000	\$725,000	1/20/2022	1206 Salida del Sol	Taos	Existing
				168 172 West	Ranchos	
106833	\$799,000	\$745,000	11/9/2021	Romero Rd	de Taos	Existing
106888	\$799,000	\$775,000	1/7/2022	58 Valley of the Pines	Red River	Existing

107483	\$800,000	\$800,000	1/20/2022	610 Claim Jumper Street	Red River	Existing
101181	\$832,500	\$810,000	11/22/2021	61 Blueberry Hill	Taos	Existing
107478	\$850,000	\$850,000	12/23/2021	57 Baird Dr	Ranchos de Taos	Existing
107812	\$949,000	\$875,000	1/21/2022	06 Bad Dog Lane	El Prado	Existing
104247	\$950,000	\$950,000	12/13/2021	1521 Youngs Ranch Road	Red River	Existing
106977	\$1,150,000	\$950,000	1/17/2022	PD 1080 Rio Arriba County Road 57	El Guique Ranchos	Existing
107779	\$879,821	\$989,821	1/21/2022	43 Vista Linda Road	de Taos	Existing
107052	\$995,000	\$995,000	12/10/2021	37 Upper Red River Valley Rd	Red River	Existing
107501	\$998,000	\$998,000	12/2/2021	615 Ranchitos Rd	Taos	Existing
106705	\$1,250,000	\$1,100,000	12/20/2021	63A Torres Road	Taos	Existing
105741	\$1,150,000	\$1,150,000	11/5/2021	1619 Weimer Rd	Taos	Existing
107248	\$1,250,000	\$1,200,000	1/31/2022	55 Paseo de la Barranca	Ranchos de Taos	Existing
107285	\$1,295,000	\$1,300,000	1/5/2022	19 Nacoma Road	El Prado	Existing
107997	\$1,495,000	\$1,339,000	12/23/2021	7 Paw A Suki	Arroyo Seco	Existing
107529	\$1,480,000	\$1,630,000	1/10/2022	61 La Canada	El Prado	Existing
104262	\$1,800,000	\$1,679,000	12/3/2021	48 Mariposa	Arroyo Seco	Existing
107376	\$1,745,000	\$1,700,000	12/22/2021	506 Vista del Canon	Taos	Existing
107647	\$2,225,000	\$2,175,000	1/31/2022	350 Duval Rd	Taos	Existing



HOME Purchase Price Limits

Taos County

New homes

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

Median price indicated in red

MLS #	Asking Price	Sold Price	Closing Date	Address	City	New/Existing
106807	\$469,000	\$459,000	12/23/2021	27 Medina Ln	Ranchos De Taos	New
107315	\$459,000	\$459,000	1/6/2022	29 Medina Ln	Ranchos De Taos	New
107291	\$577,000	\$577,000	1/27/2022	212 Las Olas 48 Entrada	Taos	New
105651	\$799,000	\$799,000	12/14/2021	Atalaya	Taos	New