

Schedule B Administrative Plan

The term Local Program Administrator (LPA) shall refer to the awardee as the recipient of Housing Trust Fund Corporation (HTFC) NYS Homes & Community Renewal (HCR) funds. The Mobile and Manufactured Home Replacement (MMHR) Local Program Administrator (LPA) Manual provides additional policies and procedures that must also be followed and are enforceable along with the Administrative Plan and all aspects of the Program Grant Agreement.

All required procedures followed by LPA must be documented in program files and are subject to periodic HCR monitoring and review. A completed "Project File Checklist" must be followed and maintained with every participant file.

1. Outreach & Coordination

1.a. Marketing & Outreach

The LPA shall document marketing and outreach in the awarded service area to make stakeholder organizations and potential participants aware of the availability of program funds. This includes the dissemination of program and application information through traditional (print, advertisements, etc.) and online outlets (email, social media, etc.). Outreach efforts should consider the socioeconomic character of the service area and provide equal opportunity to apply for program resources.

1.b. Service Linkages & Referrals for Service

The LPA shall document the process for making referrals to local service provider(s) for needs beyond MMHR Program activities. The LPA must:

- Document incoming and outgoing referrals.
- Maintain records of up-to-date agreements with relevant local service provider(s), including housing service providers.
- Follow up on local service referrals and document outcomes.

2. Project Selection

2.a. Participant Intake, Eligibility and Selection

The LPA must establish a formal procedure for application intake that documents eligibility confirmation and participant selection. This includes maintaining eligibility records that contain the calculation used to substantiate a participant's income eligibility. The LPA must demonstrate that the participating homeowner(s) have financial capacity to maintain ownership and meet property standards for the regulatory period. The LPA must develop and implement a policy to recertify income eligibility consistently throughout the Program Agreement, subject to OCR monitoring

The LPA must retain documentation of the following, which is subject to periodic HCR Monitoring Review:

- Completed "Project File Checklist"
- Source of Referral (if applicable)

- Participant Application
- Documentation of Ownership of Unit and Land
- Verification of Primary Residence
- Household Size (number of persons)
- Income Verification and Calculation (SSI, pay stubs, W2 Tax Form, etc.)
- Verification Current on all Property Taxes
- Award Letter from LPA to Participant
- Documentation Unit is Free from Liens and Financial Obligations that would Prohibit Demolition

The LPA must collect and maintain documentation that establishes the eligibility of every applicant selected to participate in the program, and justification for each project selection decision. A completed “Project File Checklist” must be maintained with every applicant file. The LPA must advise applicants in writing of the status of an application within 30 days of a completed application and determination of eligibility.

2.b. Conflict of Interest

The LPA shall maintain a conflict-of-interest policy that applies to any person who is an employee, agent, consultant, subcontractor, officer, participant, or elected official or appointed official of the State, the LPA, or a unit of general local government or any designated public agency. The LPA is responsible for determining if a conflict of interest exists and reporting it to HCR as necessary.

3. Project Development

3.a. Work Write-up / Scope of Work

The LPA will inspect the property and make a determination as to whether the mobile or manufactured housing unit meets the eligibility requirements. The unit must be a dilapidated mobile or manufactured housing unit wholly owned by the participating homeowner with no outstanding financial obligations, the primary residence of the participating homeowner, and sited on land owned by the participating homeowner. Once a project has been determined eligible and has been selected for assistance, the LPA must develop a written scope of work. The scope of work will comply with all MMHR program requirements.

The LPA will prepare an in-house cost estimate for the eligible scope of work. All or a portion of the maximum grant amount of \$100,000 per unit may be awarded dependent upon the eligible scope of work. Other funding sources may be leveraged as applicable.

3.b. Eligible Costs

Project Hard Costs

Costs related to construction and replacing the unit, including:

- Accessibility for disabled persons
- Meeting applicable codes, standards, and ordinances
- Permanent foundation
- Site preparation and utility connections
- Unit demolition and/or disposal

- Unit installation
- Unit purchase
- Construction of new unit

Costs must be substantiated by legible invoices to be eligible for reimbursement. LPAs must retain all supporting documentation and proof of payment in the project files.

Temporary Relocation Assistance

The LPA shall make funds available for temporary relocation assistance to eligible property owners who are unable to voluntarily relocate during the demolition and construction phases of the project. Short term storage of homeowner appliances and possessions are also eligible costs.

3.c. Property Standards

The LPA shall meet the property standards as applicable for program assisted units to ensure that the housing is decent, safe, and sanitary and meets all applicable federal, State, and/or local code requirements upon completion, including but not limited to:

- New unit must be installed according to the installer's specifications and program guidelines as applicable
- New unit must meet the Manufactured Home Construction and Safety Standards at 24 CFR Part 3280
- New unit must be installed on a permanent foundation meeting the requirements of 24 CFR Part 3285
- New unit must be connected to permanent utility hookups
- If the replacement unit is modular or site-built, the unit must meet all State and/or Local Code requirements for new construction.
- LPA must ensure disposal of the unit in a NYS Department of Conservation (DEC) certified disposal facility. If demolition of the sub-standard unit is necessary, the LPA must adhere to the NYS Department of Labor (DOL) Code Rule 56 requirements for asbestos testing and removal prior to disposal.

3.d. Environmental Review

The LPA will conduct a Site-Specific Environmental Review for each participating project site. Project activities may not proceed until HCR has approved the Site-Specific Environmental Review. The Environmental Compliance Handbook and Forms are available at: <https://hcr.ny.gov/mobile-manufactured-home-replacement-program-mmhr>.

3.e. Participant Agreement

The LPA must execute a Participant Agreement with the homeowner/participant specifying the award amount and outlining roles and responsibilities for the respective parties. At a minimum, the contract must specify:

- Agreed Upon Scope of Work
- Estimated Grant Amount
- Contractor Selection Process

- Completion Deadline
- Securing Permits (work may not begin until all required permits have been issued, or formally confirmed as not required)
- Site Inspections (LPA reserves right to inspect at any time to confirm eligibility of work, monitor progress, and inspect quality of work)
- Right to Terminate or Withhold Payment (LPA reserves right to terminate contract or withhold payment if work is not completed as agreed, change orders are implemented without approval, ineligible scope of work items are included on invoice, for failing to satisfy contract terms, or for violating program rules)
- Compliance Monitoring (LPA reserves right to share information about homeowner/participant and project consistent with HCR monitoring)
- Requirement to obtain Homeowners Insurance on new unit
- Dispute Resolution Policy

Any exceptions require prior approval of HCR.

3.f. Funding Commitment & Environmental Review

The LPA must submit a Project Set Up Form, a written scope of work, and the Environmental Site Certification form with Appendix A to HCR prior to beginning renovation activities. HCR approval of the Project Set Up and Environmental Site Certification will serve as both the preliminary commitment of funds for a project site and approval to proceed with project activities.

4. Contractor Procurement

4.a. Standard Procedures

The LPA is required to establish a standard procedure for contractor selection for each individual project. The procurement process must be free of collusion or intimidation and the LPA must exercise appropriate oversight over the entire process to ensure that it is fair, efficient, and free of actual and perceived conflicts of interest.

- For each individual project, the LPA will issue a request for contractor bids that details the work that will be required to facilitate replacement of the mobile or manufactured home. A clear, written, scope of work for the project must be the basis for the bids or proposals.
- The LPA may establish a list of contractors able to perform work in compliance with applicable standards. The LPA may choose to develop the list through a formal Request for Qualifications (RFQ) process to provide contractors and professional service providers with an equal opportunity for consideration. All contractors must supply references and proof of proper insurance. The LPA will use this list to solicit bids or quotes for individual project activities. Additional contractors can be added to the list at any time, however, references and proof of proper insurance must be supplied to the LPA and approved.
- If pre-1978 property, the work must be conducted by an EPA RRP Certified Renovator. Certificates should be retained in program files.
- Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. At a minimum, two bids must be received for each project to establish the reasonableness of costs.

- The LPA may establish bid selection criteria that consider cost and other factors. These criteria must be included in a written contractor selection procedure prior to initiating the bid solicitation process.
- A written agreement or contract must be executed with the selected contractor to describe the cost, agreed upon scope of work, time frames for start and completion, payment terms, change order policy, and required insurance coverage.

4.b. Equal Opportunity Requirements and Procedures

Under Article 15-A of the New York State Executive Law, all award recipients and their contractors are required to comply with the Equal Opportunity provisions of Section 312 of that Article. Also, all contractors and awardees are required to make affirmative efforts to ensure that New York State Certified Minority- and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects through inclusion on the list of contractors funded by HTFC pursuant to Section 313 of the Article. Visit NYS Empire State Development's Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <http://www.esd.ny.gov/MWBE.html>

5. Construction Monitoring & Quality Control

5.a. Construction Monitoring

The LPA must establish a standard practice for monitoring contractors (including documented periodic inspections) for progress, quality of workmanship, code compliance, adherence to approved scope of work, program rules, environmental compliance, and consistency with the approved construction timeline. Inspection reports must be consistently documented in the LPAs project files. All requests for progress payments, if allowable, must include photographs of the completed work.

5.b. Final Inspection

A final inspection is required prior to the release of final payment to ensure the entire scope of work has been satisfactorily completed according to the Participant Agreement.

The LPA must develop and consistently apply a process to obtain participant sign off on completed work or to document if a Dispute Resolution Plan was applied. The LPA must retain documentation in the project files supporting the release of final payment.

5.c. Dispute Resolution

Primary responsibility for resolving homeowner/participant and contractor disputes rests with the LPA. The Dispute Resolution Plan must establish a standard practice to administratively resolve disputes related to the Participant Agreement, contract, or written agreement with the contractor. Examples of common issues which may be amenable to conflict resolution include project timeline, quality of work, scope of work, inability, or failure of parties to uphold obligations, final homeowner/participant completion sign off, or contractor payment.

In the event there is a dispute between a homeowner/participant and contractor whenever feasible the LPA should require notice in writing. The LPA must exercise best efforts to resolve the dispute as soon as possible. This may include conducting an inspection to evaluate claims and meeting

with the parties in attempt to reach a satisfactory result through negotiation. All efforts must be documented in project files, and whenever possible include photos.

If the Dispute Resolution Plan is applied and documented, but efforts fail, then the LPA shall notify HCR and provide a recommended course of action for consideration.

6. Ongoing Maintenance

6.a. Obligations

Participating homeowners, for a period of ten (10) years after the date of the most recent repair completion ("Regulatory Period"), shall take all necessary steps to ensure the assisted property be maintained in good operating order and condition, and all necessary repairs, renewals, replacements, additions, and improvements shall, from time to time, be promptly made.

During the Regulatory Period, the participating homeowner must obtain consent from the LPA should the assisted property be sold, moved, leased, demolished, or materially altered. In the event of non-compliance, or if the property is transferred, or its title or deed assigned during the Regulatory Period, including in the event of death of the participating homeowner, the amount of grant funds may be subject to repayment in accordance with a simple annual declining balance. The LPA may elect to not require repayment if an income-eligible family member occupies or accepts ownership of the property for the remainder of the regulatory term.

The LPA must clearly describe these obligations to the participating homeowner prior to beginning the project, including requirements in the Participant Agreement. The LPA must then monitor compliance for each property for the duration of the ten (10) year Regulatory Period.

6.b. Note and Mortgage

The LPA shall require every owner of an assisted property, including life tenants and their remainderman, to execute a Note and Mortgage, in a form provided by the Corporation, to be filed in the County Clerk's Office for the county in which the assisted property is located. The note and mortgage should be completed in the amount of the hard costs of construction and must not include project delivery.

Assistance to homeowners will be in the form of a Deferred Payment Loan (DPL). A ten (10) year declining balance lien in the form of a Note and Mortgage, duly filed at the County Clerk's office, will be utilized for replacement projects. No interest or payments will be required on the DPL unless the property is sold or transferred before the ten-year term expires. In such cases funds will be recaptured from the proceeds of the sale of the home on a declining balance basis unless an income-eligible family member accepts ownership and resides in the home for the remainder of the ten-year term.

The Note and Mortgage must be filed immediately upon completion of program activities and after final sign off by the participant, the contractor and LPA stating that work has been completed to satisfaction and documented to meet NYS and/or Local Codes.

The LPA will monitor projects assisted during the ten-year term and maintain appropriate project files throughout the compliance period. The LPA must make project files available for review upon request by HTFC or HCR.