

**Access to Home**

**Access to Home for Heroes/Veterans**

**Access to Home for Medicaid Recipients  
Programs**

**Local Program Administrator (LPA) Manual**



**Homes and  
Community Renewal**

**OFFICE OF COMMUNITY RENEWAL**

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# 1 Introduction

## 1.1 Program Background

This program manual has been created for the Access to Home, Access to Home for Heroes/Veterans, and Access to Home for Medicaid Recipients Programs. Unless a specific program is identified, the use of the term “Access to Home Program” in this manual refers to, and the requirement is applicable to, all three programs.

### 1.1.1 Access to Home Program

The Access to Home Program was established under Article 25 of the NYS Private Housing Finance Law to provide financial and technical assistance to make residential units accessible for low- and moderate-income persons living with disabilities. The program’s intent is to enable individuals with physical disabilities to live at home safely and comfortably, rather than in an institutional setting. Eligible properties can be owner-occupied homes or rental units but must be the primary residence of the participant.

### 1.1.2 Access to Home for Heroes/Veterans Program

The Access to Home for Heroes/Veterans Program was established under Article 30 of the NYS Private Housing Finance Law to assist veterans with overcoming a significant impediment to accessible and affordable housing because of service-related injuries, age, or health related disabilities. The program’s intent is to enable veterans with disabilities to live, safely, comfortably, and productively in the most integrated setting of their choice. Eligible properties can be owner-occupied homes or rental units but must be the primary resident of the participant.

### 1.1.3 Access to Home for Medicaid Recipients Program

The Access to Home for Medicaid Recipients Program was established in 2014 as an interagency partnership between the New York State Department of Health (DOH) and NYS Homes and Community Renewal (HCR). The program provides financial assistance to make the primary residences of Medicaid recipients living with physical disabilities accessible. The Program accomplishes a secondary goal of lowering health care costs over the long-term. Eligible properties can be owner-occupied homes or rental units.

## 1.2 Definitions & Acronyms

**Applicant** – A city, town, village, or not-for-profit corporation in existence for a period of one or more years prior to application, incorporated under the not-for-profit corporation law with substantial experience in adapting or retrofitting homes for persons with disabilities, that applies for funding from any of the Access to Home Programs in response to a Request for Applications released by the Office of Community Renewal (OCR).

**Disabled Veteran (Access to Home Program)** - A veteran who is certified by the United States Department of Veterans Affairs or the Department of Defense as entitled to receive disability payments upon the certification of such department for a disability incurred by him or her in time of war.

**Disabled Veteran (Access to Home for Heroes/Veterans Program)** - A veteran with, including but not limited to, a permanent physical or medical impairment resulting from an anatomical or physiological condition which prevents the exercise of a normal bodily function, substantially limits a major life activity or which is demonstrable by medically accepted clinical or laboratory diagnostic techniques.

**Eligible Property** – A housing unit that is the primary residence of a person with a physical disability and a total household income that does not exceed 80 percent of area median income (AMI) or a disabled veteran who has a total household income that does not exceed 120 percent of AMI. A property shall not be considered eligible if the owner of the property is otherwise obligated by federal, state, or local law to provide the improvements under this program.

**High Cost/High Need Medicaid Recipient** – A Medicaid enrollee with a medically documented permanent physical disability that may interfere with the ability to independently perform activities of daily living and who is at risk of institutional placement.

**Housing Trust Fund Corporation (HTFC)** – Established by Chapter 67, Section 45-a of the Private Housing Finance Law of 1985, HTFC is a subsidiary public benefit corporation of the NYS Housing Finance Agency. HTFC contracts with the Division of Homes and Community Renewal (DHCR) to administer the Corporation's activities. HTFC's mission is to create decent affordable housing for persons of low-income.

**Local Program Administrator (LPA)** – An organization awarded funds to administer HCR programs, including the Access to Home Programs. An LPA may be a not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law. Eligible LPAs must have been in existence, and providing relevant housing services to the community, for at least one year prior to the application date for program funding.

**New York State Homes and Community Renewal (HCR)** - Consists of all the State's major housing and community renewal agencies, including the Affordable Housing Corporation, Division of Housing and Community Renewal, Housing Finance Agency, State of New York Mortgage Agency, Housing Trust Fund Corporation, and other entities.

**Office of Community Renewal (OCR)** – The office within HCR responsible for administering a variety of housing and community development programs, including the Access to Home Programs.

**Person with a Physical Disability** – An individual who has a permanent, medically documented substantial limitation caused by a physical impairment that substantially limits a major life activity.

**Program Agreement** – The contract between OCR and the LPA to authorize the implementation of the program and documents the target area, budget, goals, and schedule for the program activities.

**Property Maintenance Declaration** – An agreement signed by both the LPA and the homeowner or property owner that is subsequently filed with the county clerk’s office. The Property Maintenance Declaration is a lien on the subject property and ensures that the LPA will be notified regarding the sale or transfer of title on the subject property.

**Recapture** – HTFC may recapture funds from the LPA if funds are not spent within the approved Program Agreement period, if the funds are not spent in accordance with program rules, or for other reasons. Further, the LPA, for a variety of reasons, may be required to have the homeowner return Access to Home Program funds to HTFC. The LPA is responsible for the recapture and returning the funds to HTFC.

**Recipient** – A not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law awarded funds by HTFC for the administration of an Access to Home Program that has not yet signed an executed Program Agreement.

**Request for Application (RFA)** – A public solicitation made by HTFC through OCR, to make funds available for the Access to Home Programs. The RFA provides general requirements, application deadlines, evaluation criteria and other information for potential applicants to consider before submitting a funding application.

**SHARS** – Acronym for the Statewide Housing Activity Reporting System. This is the database used by HCR to track LPA activity for a grant award. The system stores data related to housing units assisted in New York State. All organizations and municipalities that apply for funding receive an eight-digit SHARS identification number.

### **1.3 Use of this Administrative Manual**

This Administrative Manual describes the policies and procedures that must be followed by an LPA in the implementation of its NYS Access to Home, Access to Home for Heroes/Veterans, or Access to Home for Medicaid Recipients Program(s). Policies and procedures contained in

this Manual must be followed and are enforceable along with all aspects of the Program Agreement.

- Program documents referred to in this Manual are available on the HCR website at:
  - Access to Home - <https://hcr.ny.gov/access-home>
  - Access to Home for Medicaid Recipients Program - <https://hcr.ny.gov/access-home-medicaid-recipients>
  - Access to Home for Heroes (Veterans) Program - <http://www.nyshcr.org/programs/accesstohome-veterans/>

Any questions regarding the contents of this Manual may be directed to OCR staff at: [OCRStatePrograms@nyshcr.org](mailto:OCRStatePrograms@nyshcr.org).

## **2 Access to Home Programs Funding Process**

Funding for the Access to Home, Access to Home for Heroes/Veterans and Access to Home for Medicaid Recipients Programs is awarded by the HTFC through its local programs funding process. HTFC through OCR releases a request for applications upon availability of funding. Applications are submitted through the Community Development Online (CDOL) application system.

### **2.1 Eligible Applicants**

A city, town, village, or not-for-profit corporation in existence for a period of one or more years prior to application, incorporated under the not-for-profit corporation law with relevant with substantial experience in adapting or retrofitting homes for persons with disabilities are eligible to apply for Access to Home, Access to Home for Heroes/Veterans or Access to Home for Medicaid Recipients Program funds and, if awarded, administer a local program. There are no priorities for any specific type of organization.

These programs do not require not-for-profit applicants to have 501(c)(3) status. LPAs must have been in existence for at least one year and must be incorporated under the New York State Not-for-Profit Corporation Law. However, if the LPA is primarily a service provider, and intends to contract with a housing agency to provide construction management or other services, it is not necessary that the housing agency be incorporated as a not-for-profit entity.

All areas of the state are eligible as Access to Home Program target areas.

Awarded program administrators are commonly referred to as Local Program Administrators (LPAs).

Two or more eligible entities may partner in an Access to Home Program under a contract or Memorandum of Understanding (MOU) for the duration of the proposed project period. However, one of the collaborating partners must serve as the applicants and LPA, if awarded, and be contractually responsible to carry out the program activities.

#### **2.1.1 Not-for-Profit Prequalification**

Not-for-profit organizations must be prequalified by submitting an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge the organizational structure and the types of services provided.

The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>. Applicants that are not prequalified in the Grants Gateway by the application deadline do not meet the minimum threshold requirements and may not be scored.

## 2.2 Notice of Funding Availability and Request for Applications

HTFC through OCR releases a request for applications upon notification of availability of funding for the Access to Home Program. The RFA provides the general framework for the Access to Home Program for a given year and includes application deadlines, general program requirements, and evaluation and selection criteria that will be used by OCR to determine award recipients.

The funding limits and funding round priorities are specified in the RFA. The RFA is widely distributed and made publicly available on the HCR website at: <https://hcr.ny.gov/ocr-state-housing-resource-funding-opportunities>.

In response to a publicly issued RFA, eligible applicants submit program designs detailing how they will administer local Access to Home Programs. The program designs describe the selection of eligible recipients, construction monitoring, and compliance with program requirements. Eligible applicants are permitted to design programs as grants, loans, or both. Applicants are awarded on a competitive basis and must be approved by the HTFC Board of Directors.

## 2.3 Application Process

### 2.3.1 Application

Once an RFA is made available, applicants are encouraged to submit Access to Home Program application exhibits and attachments electronically using the Community Development On-line (CDOL) application system, which is accessible online at <http://www.nyshcr.org/Apps/CDOnline/>.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using HCR's CDOL. Requests for approval to submit a paper application must be sent to:

NYS Homes and Community Renewal  
Office of Community Renewal  
ATTN: ACCESS TO HOME PROGRAM  
Hampton Plaza  
38-40 State Street, 4 South  
Albany, NY 12207-2804

Applicants are assigned a SHARS ID number as part of the application process. All communication with OCR regarding application status must include the SHARS ID number.

Only on time applications submitted electronically using HCR's CDOL or pre-approved paper applications will be accepted for review. Incomplete and/or late applications will NOT be accepted either through the CDOL or paper submission.

## **2.4 Application Review & Scoring**

All Access to Home Program applications are reviewed according to eligibility criteria specified in the RFA. The criteria are derived from the regulatory and policy requirements of the Access to Home Program.

Award decisions are made in the context of a competitive process. To the extent feasible, OCR allocates its resources to meet housing needs and achieve a geographic distribution of funding across the State, while promoting community development policies that emphasize the needs of underserved communities and which advance smart growth principals and healthy living environments.

## **2.5 HTFC Board Approval**

OCR must present all proposed Access to Home Program award recommendations to the HTFC Board of Directors, which must approve such awards and provide OCR with authorization to proceed with notification of awards and execution of Program Agreements.

### **2.5.1 Exit Conference for Applicants Not Selected**

An exit conference presentation is offered by OCR after award determinations have been announced. The exit conference serves as a debrief to provide feedback and guidance for unsuccessful applicants and is designed to help applicants prepare for future application rounds.

## **2.6 Program Environmental Clearance**

Access to Home Program awards are subject to the requirements of the State Environmental Quality Review Act (SEQRA) at 6 NYCRR Part 617. Documentation of compliance will occur at two stages: programmatic review and site-specific review once project sites are selected by the LPA.

- The Programmatic Environmental Review is completed to review the general activities and service area and identify potential hazards and compliance requirements. HTFC's Environmental Analysis Unit (EAU) will prepare a Programmatic Environmental Review and issue a SEQR Type II Determination Letter. LPAs may not begin individual project work until the Type II letter is issued.
- After the execution of the program agreement and receipt of the SEQR Type II letter, project selection activities may begin. An "Environmental Compliance Certification and Appendix A" must be completed, signed and submitted to OCR to initiate site-specific clearance with each Project Set up form and commitment of grant funds. See Section 5.1.3. for additional instructions.

## 2.7 Execution of a Program Agreement

HTFC expects to enter into a Program Agreement within 45 business days of the Access to Home Program award recipient's compliance with all submission requirements. Program activities must not commence until a Program Agreement is executed with the HTFC.

The LPA may subcontract with a municipality, not-for-profit or private firm to provide additional services or support for the administration of an Access to Home Program. The LPA, however, must execute the Access to Home Program agreement and remain responsible for the overall program compliance.

### 2.7.1 Insurance Requirements

Award recipients are required to obtain and maintain proper insurance and bonds. At a minimum, copies of the following must be provided:

- A Certificate of General Liability Insurance (\$1,000,000 minimum);
- Automobile coverage;
- Workers' Compensation and Disability Insurance; and
- A Fidelity Bond in the amount of the largest anticipated disbursement.

Insurance documents must name New York State and the Housing Trust Fund Corporation as loss payee in accordance with the Program Agreement requirements. Disbursements that exceed the amount of the fidelity bond will be rejected.

### 2.7.2 Program Agreement Documents

The following items comprise the completed Program Agreement:

- **Access to Home Program Agreement** – Contains the overall requirements and contents of the agreement between the LPA and the HTFC.
- **Schedule A – Awarded Budget & Projected Accomplishments** – Schedule A summarizes the awarded budget, approved service area and projected accomplishments. Schedule A is prepared using information from the original application. Changes must be approved by OCR and may require an amendment to the Program Agreement.
- **Schedule B - Administrative Plan** – The Program Agreement includes a template Administrative Plan that outlines the basic procedures an LPA must follow to administer the Access to Home Program. LPAs are expected to supplement these basic procedures with local policies and procedures that best meet the needs of the service area. Components of the administrative plan include, but are not limited to:
  - Outreach & Coordination
  - Project Selection

- Project Development
  - Construction Monitoring & Quality Control
  - Ongoing Maintenance
- 
- **Schedule C – Participation by Minority Group Members, Women and Service Disabled Veterans with Respect to State Contracts: Requirements and Procedures** –HTFC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations"), and New York State Executive Article 17-B and 9 NYCRR Section 252 ("SDVOB Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction. Schedule C outlines the requirements and procedures for meeting NYS M/WBE requirements.

No work on the program may begin, nor reimbursable costs incurred, until the Program Agreement is executed.

## 3 Program Requirements

The Access to Home Program Agreement is for a term of two years from the commencement date stated in the agreement. This chapter outlines the policies and eligible activities of the Program.

### 3.1 Eligible Participants

The Access to Home, Access to Home for Heroes/Veterans and Access to Home for Medicaid Recipients Programs serve low- and moderate-income persons with physical disabilities who reside in owner occupied, or rental housing. Eligibility requirements vary by program, as described below.

#### 3.1.1 Access to Home Program

- Homeowners, rental property owners, and tenants with written approval from the owner may qualify for Access to Home Program assistance. Eligible participants are individuals that meet the following criteria:
  1. Documented substantial limitation caused by a physical disability.
  2. Income at or below 80 percent of area median income (120 percent of area median income for veterans who are certified by the U.S Department of Veterans Affairs or the Department of Defense as entitled to receive disability payments for a disability incurred in time of war).
- The assisted residential unit must be the primary, permanent residence of the eligible participant.

**Note:** This definition is for the Access to Home Program only. The definition used for the Access to Home for Heroes/Veterans Program is different. Military service is classified as either wartime or peacetime service. Veterans who served a minimum of 90 consecutive days must have served a minimum of one day during wartime to be eligible for assistance. A veteran need not have served in a combat zone but must have served during wartime. Under current law, the following are wartime periods:

- Mexican Border Period (May 9, 1916 – April 5, 1917 for Veterans who served in Mexico, on its borders, or adjacent waters)
- World War I (April 6, 1917 – November 11, 1918)
- World War II (December 7, 1941 – December 31, 1946)
- Korean Conflict (June 27, 1950 – January 31, 1955)
- Vietnam era (February 28, 1961 – May 7, 1975 for Veterans who served in the Republic of Vietnam during that period; otherwise August 5, 1964 – May 7, 1975)
- Gulf War (August 2, 1990 – through a future date to be set by law or Presidential Proclamation)

Source: <http://www.benefits.va.gov/pension/wartimeperiod.asp>.

### **3.1.2 Access to Home for Heroes/Veterans Program**

Eligible participants are individuals that meet the criteria below:

- Qualifying Veteran status. Documented substantial physical limitation caused by a disability, defined as a permanent physical or medical impairment which prevents the exercise of a bodily function, substantially limits a major life activity or which is demonstrable by medically accepted clinical or laboratory diagnostic techniques. Eligible veterans may have service-related injuries, age, or health related physical disabilities.
- Household income not to exceed 120 percent of area median income.
- The assisted residential unit must be the primary, permanent residence of the eligible participant. The primary residence may be owner-occupied or a rental unit. Applicants proposing to assist rental units must ensure that the property owner is not otherwise obligated by federal, state or local law to provide such improvements.

### **3.1.3 Access to Home for Medicaid Recipients Program**

- An eligible participant must meet the following criteria:
  1. Qualified Medicaid recipient.
  2. Documented substantial limitation caused by a physical disability.
  3. Income at or below 80 percent of area median income (120 percent of area median income for veterans who are certified by the U.S Department of Veterans Affairs or the Department of Defense as entitled to receive disability payments for a disability incurred in time of war).
- The assisted residential unit must be the primary, permanent residence of the eligible participant. The primary residence may be owner-occupied or a rental unit. Applicants proposing to assist rental units must ensure that the property owner is not otherwise obligated by federal, state or local law to provide such improvements.

### **3.1.4 Income Eligibility**

The LPA must establish an intake process to document that every participant meets income eligibility criteria. This includes maintaining supporting documentation to confirm eligibility and participant selection. HCR recommends that LPAs recertify income eligibility if a significant amount of time elapses between initial eligibility and execution of participant agreement.

### **3.1.5 Documentation of Disability**

A professional evaluation must be conducted to establish a qualifying physical disability. In instances where accessibility modifications are requested, such evaluation must describe the substantial limitation caused by the physical disability and recommend potential structural modifications to improve the activities of daily living within and/or access to such residence in consideration of such physical disability. Procedures for documenting a physical disability must be described in the application submitted by the LPA.

### **3.1.6 Documentation of Medicaid**

For the Access to Home for Medicaid Recipients Program only, the LPA must review information provided on the consumer's Medicaid Benefit Card. The consumer's Medicaid

identification number must be documented by the LPA and reported to OCR to allow for reporting to DOH.

### **3.1.7 Disabled Veteran**

For the Access to Home and Access to Home for Medicaid Recipients Programs, the veteran must be certified by the U.S. Department of Veterans Affairs or the Department of Defense as entitled to receive disability payments for a disability incurred during a time of war.

For the Access to Home for Heroes/Veterans Program, the veteran must be either honorably or generally discharged and have a physical disability that is a service-related injury, age, or health related. A professional evaluation must be conducted to establish a qualifying physical disability. In instances where accessibility modifications are requested, such evaluation must describe the substantial limitation caused by the physical disability and recommend potential structural modifications to improve the activities of daily living within and/or access to such residence in consideration of such physical disability.

## **3.2 Eligible Projects**

Access to Home is a statewide program. Each local Access to Home Program must be carried out in a defined service area (the community, neighborhood, or jurisdiction where Access to Home Program funds will be invested).

### **3.2.1 Eligible Properties**

An eligible property is a housing unit that is the primary residence of a person with a physical disability and a total household income that does not exceed 80 percent of area median income (AMI) or a disabled veteran who has a total household income that does not exceed 120 percent of AMI. Renovations using Access to Home Program funds may be made only to make modifications to a dwelling unit that will result in allowing the person with a physical disability to remain in the home (avoid being placed in an institutional setting) or return to the home from an institutional setting.

The person with a physical disability may reside in an owner-occupied unit or a rental unit. If the home is a multi-unit building repairs may only be made in the unit where the person with a physical disability resides or in common areas.

Access to Home Program assistance may be provided to a cooperative (co-op) unit if the occupant(s) of a coop unit is eligible and any required approvals are obtained from the governing Cooperative Board. If an LPA applicant has a significant number of cooperative buildings in its target service area, procedures to provide service to cooperatives should be addressed in the Application.

In most instances group and institutional homes are not eligible for Access to Home assistance. LPAs should consult with Access to Home Program staff before an application that targets such housing is submitted.

LPAs proposing to assist rental units must ensure that the property owner is not otherwise obligated by federal, state or local law to provide such improvements. Assistance may be provided for publicly assisted housing only when it can be demonstrated that no other resources are available for this purpose. Pre-approval from OCR staff is required. Property owners who are obligated to provide these improvements as a condition of receiving government assistance are not eligible for program funds.

### **3.2.2 Previously Assisted Property**

A building may receive Access to Home Program assistance more than once. However, the repairs may not exceed \$25,000 for any unit during the regulatory period.

The LPA must confirm with OCR program staff if previous assistance has been provided and if the regulatory period is still active or has expired.

If the eligible applicant receives assistance more than once (but not in excess of the \$25,000-unit cap), the regulatory period begins upon completion of renovation for the latest project. Subsequent assistance may be provided to a building only after the regulatory period has expired for previous Access to Home awards.

### **3.2.3 Rental Properties**

Rental properties are eligible for assistance under the Access to Home Program. Private building owners must consent to the accessibility modifications. Owners are not required to match the funds expended in their building(s) for modifications that enable persons with disabilities to remain in their apartments. Property owners are required to sign the Property Maintenance Declaration (PMD) form.

Rental properties:

- Must remain affordable to low-income households for three years;
- Must be affirmatively marketed to persons with disabilities (if unit is vacated by tenant that initially received the assistance);
- Must be maintained in a safe and habitable condition during the regulatory term.

Accessibility modifications installed with Access to Home Program funds may not be removed or altered without prior approval from OCR.

However, if the person(s) with the physical disability vacates the modified unit it must be made available to an eligible person with disabilities for a period of three years from the date the work is completed.

### 3.2.4 LPA Owned Properties

An LPA may allocate funds to improve a property that it owns under the following circumstances:

- The work must be consistent with the Administrative Plan and it must be necessary to meet the goals of the program.
- There must be a public disclosure to the community of the LPAs intent.
- Prior approval by OCR staff is required.

### 3.3 Eligible & Ineligible Activities

Grant funds may be awarded to assist low- and moderate-income renters or homeowners with disabilities, in adapting or retrofitting their primary residences. Accessibility modifications must be designed to address a substantial limitation caused by a physical disability or improve activities of daily living within and/or access to the dwelling unit.

Limited to the Access to Home for Heroes/Veterans Program only, assistance may be provided to make accessibility modifications, emergency home repairs or address code violations related to the primary residences of low- and moderate-income veterans with disabilities. Such activities will enable veterans with disabilities to live in their residences safely and comfortably, rather than in an institutional setting. Eligible veterans may be renters or homeowners, with service-related injuries, age, or health related disabilities.

The LPA must specify the methodology used to identify and prioritize adaptation or retrofitting activities, and for making decisions regarding individual participants and units. Based on the eligible scope of work as determined by the LPA, up to \$25,000 in grant funds may be awarded.

In all cases eligible activities must result in enabling a person with a physical disability to live at home safely and comfortably, rather than in an institutional setting.

Typical repairs funded with Access to Home Program funds include (but are not limited to):

- wheelchair ramps and lifts, handrails, expanded doorways and stair glides;
- 36" wide doorways with off-set hinges on doors;
- roll in showers with grab bars, bathtub grab bars and seats, hand-held shower;
- non-skid flooring;
- appliances that respond to verbal commands;
- easy-to-reach work and storage areas and other kitchen modifications;
- outlets at 18" instead of 12"; light switches at 42" instead of 48" from the floor;
- electrical installation of special thermostatic or environmental controls, luminous light switches;
- strobe light or vibrator-assisted smoke and burglar alarms;
- re-locating a bathroom or bedroom to the first floor;

- generator with backup documentation from a personal physician (prior approval from program staff is required); and
- low-cost measures such as traction tape on stairways, levered door handles or additional outside lighting.

All adaptation or retrofit activities must meet the individualized needs of the participant that requires an accessibility modification. LPAs should contact OCR staff prior to the determination of the eligible scope of work if there are questions regarding qualifying activities. Documentation to establish eligibility and confirm that an appropriate participant selection process was followed must be provided, along with the LPAs assessment of proposed activities.

### 3.3.1 Ineligible Activities

The following would be considered ineligible for Access to Home Program funds:

- Repairs that are cosmetic in nature;
- Substantial renovations, such as kitchen or bathroom remodels;
- Landscaping;
- Luxury items such as upgraded countertops (ie. stone, granite, composite), or high-end luxury fixtures;
- Replacement of appliances not related to accessibility, unless there is documented health or safety hazard and approved by OCR staff prior to purchase;
- Exterior egress repairs that are not necessary for safe access;
- Repairs or modifications to outbuildings;
- Repairs or modifications to units not occupied by an eligible participant; and
- Any activity that does not meet the program intent of enabling individuals with a physical disability to live safely and comfortably at home, rather than in an institutional setting.

New construction is not permitted with Access to Home Program funds. Small additions to an existing structure that permit installation of accessibility modifications and enable the individual to remain in or return to the unit are allowed on a situational basis with prior approval from OCR staff. The LPA should request technical assistance from OCR prior to approving small additions.

Mobile and manufactured home replacement is not an eligible expense under the Access to Home Program. However, appropriate modifications to mobile and manufactured homes, such as the installation of ramps and kitchen and bathroom modifications, are permitted where feasible.

Access to Home Program funds must not be used to substitute for or subsidize work if the owner of the property is otherwise obligated by federal, state, or local law to provide the improvements funded. In limited supportive housing environments, the Access to Home

Program may assist with environmental modifications not otherwise required. However, technical assistance from OCR should be requested before an application that targets such housing is submitted.

The LPA should contact OCR prior to establishing the scope of work if the eligibility of an activity is uncertain. Activities undertaken that are not eligible will result in OCR recapturing or de-obligating the Access to Home Program funds for that project from the LPA. Additionally, OCR may recapture and/or de-obligate the balance of Access to Home Program funds and terminate the Program Agreement.

### **3.3.2 Work Standards**

The LPA must ensure that work meets all applicable codes, standards and regulations upon completion. The LPA must obtain all necessary building permits and make them available to OCR for inspection. The unit must be safe and not contain any health or safety hazards after the work is completed.

Applicants are encouraged to follow Universal Design principles in installation of accessibility modifications. Architectural services that are necessary and appropriate to the work being done is an eligible cost.

If other work unrelated to the accessibility modifications is needed, other funds must be used to provide the repairs before Access to Home Program funds are spent on that unit, and requirements associated with the other funding source must be met.

Health and safety measures, such as lead-based paint hazard controls, are eligible expenses, but only with respect to the immediate work area where modifications are being installed. See Section 3.3.3 below.

### **3.3.3 Health & Safety Hazards**

Health and safety considerations must be the determining factor in deciding if a project is to be deferred until other work is completed. Access to Home Program work should not proceed if one or more discernible health and safety hazards are present in the unit beyond the eligible scope of work.

Other funds should be found to mitigate the hazard(s) before Access to Home Program activities can proceed.

If the project can be completed in compliance with all applicable codes and ordinances and the unfinished space does not present a hazard to occupants or users of the building this may be an acceptable practice. However, this can only be done when the investment of Access to Home Program funds will result in a safe and habitable unit for the person with a physical disability.

Applicants must adopt a deferral policy that states that assistance will not be provided to units where serious health or safety issues are present that are beyond the scope of the Access to Home Program.

### **3.3.4 Applicability of Lead-based Paint Requirements**

LPAs are required to comply with the EPA's Lead Renovation, Repair and Painting Rule (RRP) Rule for projects that disturb lead-based paint in homes built before 1978. LPAs must use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices. More information is available online, here:

<http://www2.epa.gov/lead/renovation-repair-and-painting-program>.

While the HUD Guidelines for the Evaluation and Control of Lead-based Paint are not imposed, lead-based paint can be a serious danger particularly to young children. Therefore, it is recommended that all work performed for accessibility modifications to any pre-1978 dwelling unit occupied by children under the age of six be done so using HUD- and EPA-approved lead safe work practices. This includes:

- Paint testing must be conducted of any surface to be disturbed (or the presence of lead paint must be presumed);
- Occupants must be notified of the presence (or presumption) of lead paint hazards;
- Interim control methods must be used to treat any identified or presumed hazards; and
- Clearance examinations of the work areas must be conducted.

Access to Home Program funds may be used for lead paint hazard control measures in the work areas being modified for accessibility. Testing and clearance costs may be funded as soft costs. The LPA is encouraged to locate other sources of funds, such as Weatherization Assistance or HOME funds, to provide energy conservation and/or to mitigate lead-based paint hazards, or other health and safety hazards unrelated to the accessibility modifications being made.

Additionally, the LPA must comply with all applicable local laws and ordinances concerning lead hazard control.

## **3.4 Eligible Costs**

### **3.4.1 Project Cost Cap**

Eligible activities include adaptation or retrofitting work up to \$25,000 in a unit. Administrative funds are not included in the limit, but project delivery funds are part of the \$25,000 limit per unit.

If the project cost exceeds \$25,000, rental property owners can contribute to costs in excess of \$25,000, but a contribution from low-income owners or tenants is prohibited.

### 3.4.2 Eligible Project Costs

Eligible costs include the hard costs of the repairs and improvements described above in Section 3.3, plus permits and fees associated with such improvements.

Architectural and design services are eligible costs if necessary and appropriate to the work being done.

If there is a need for short-term relocation while the work is being completed in the unit, those costs are eligible project costs. However, the LPA must receive approval from OCR prior to incurring this cost. Incurring this cost prior to approval may result in the funds not being reimbursed by OCR.

Access to Home Program funds will not be released for work completed prior to execution of the Program Agreement.

### 3.4.3 Project Delivery Costs

The Access to Home Program permits LPAs to incur limited project delivery costs, which are soft costs incurred by the LPA for the repairs or improvements to a specific building or participant. LPAs may consider the following project delivery costs for reimbursement to specific projects:

- Mileage for LPA program staff who perform project oversight;
- Fees for filing the Property Maintenance Declaration (PMD);
- Attorney fees related to a specific project;
- Health and safety testing costs, such as lead testing and clearances; and
- Staff costs directly associated with a project such as:
  - applicant intake and determining eligibility,
  - conducting site visits,
  - completing the scope of work, and
  - preparation of documents, such as executed contracts, contractor invoices.

The following are NOT permitted project delivery costs:

- Marketing and/or advertising the Access to Home Program;
- Staff salary/fringe costs NOT directly associated with a project; and
- Costs incurred by LPA to meet state insurance requirements as found in the Program Agreement.

The LPA should request OCR approval to confirm eligibility of these costs prior to the start of the project.

Total project delivery costs may not exceed five percent (5%) of the Access to Home Program funds utilized for the specific project and project delivery is included in the per unit funding cap.

Supporting documentation is required for reimbursement of all project delivery costs. Requests are reviewed for reasonableness and adequate documentation, such as invoices, receipts and timesheets. Mileage must be described in terms of distance and rate per mile on the disbursement paperwork.

#### **3.4.4 Eligible Administrative Costs**

The LPA may be awarded up to seven and one half percent (7.5%) of the total award for Administrative expenses to offset overall costs of implementing the Access to Home Program.

LPAs may consider the following costs for reimbursement with administrative funds:

- Overall marketing of the Access to Home Program being administered by the LPA;
- Insurance costs directly associated with implementing the program; and
- Offset salary of staff/fringe costs associated with implementing and/or monitoring the program.

The following are NOT permitted as administrative costs:

- Any costs that are charged directly to a project as “project delivery costs” (as defined in Section 3.4.3); and
- Offset of salary/fringe costs of staff not associated with the Access to Home Program.

### **3.5 Other Funding**

Access to Home Program funding is limited to \$25,000 per assisted unit. The cap applies to direct project costs and LPA project delivery costs (administrative costs are not included.)

There are no match requirements for the LPA or owners of private buildings whose tenants receive assistance, but owners may contribute, and LPAs must ensure that the property owner is not otherwise obligated by federal, state, or local law to provide such modifications. Property owners who are obligated to provide these improvements as a condition of receiving government assistance are not eligible for program funds.

Other funding is strongly encouraged and may be necessary for costs that exceed the Access to Home Program limit. LPAs had to demonstrate that they had access to sufficient resources to administer the proposed Access to Home Program during the application process. There are other energy assistance and home rehabilitation programs funded by HCR and other agencies that can be of assistance for low income households. Information on HCR programs can be found at: [www.nyshcr.org](http://www.nyshcr.org).

## 3.6 Project Regulatory Period

Units that are provided accessibility modifications using Access to Home Program funds are subject to use restrictions of a Property Maintenance Declaration (PMD) for three (3) years after date of the most recent repair completion. LPAs are responsible for ensuring that the requirements of the PMD are met.

### 3.6.1 Property Maintenance Declaration

The LPA and the property owner must both sign a Property Maintenance Declaration (PMD). The template form is available with the Access to Home Program forms available on the HCR website. If the unit is owner-occupied, the homeowner must sign the PMD. If the unit is occupied by a renter, the owner of the building must agree to sign the PMD. The document signatures must be notarized and the executed PMD must be filed with the county clerk's office in the county in which the assisted property is located, or the Office of the City Register for projects located in New York City. For mobile and manufactured housing units assisted with Access to Home Program funds, the LPA and the owner of the mobile or manufactured home sign the PMD; which is then filed in the LPA participant files.

The Property Maintenance Declaration acknowledges that the unit was improved using Access to Home Program funds provided to the LPA from HTFC and states that, during the three-year regulatory period, the owner will:

- Maintain the unit in good operating order and condition;
- Not sell, move, demolish or materially alter the property without the prior written consent of the LPA; and
- If the improved unit becomes vacant during the Regulatory Period, the owner and LPA will market the unit and make it affordable to persons of low-income and living with a physical disability.

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for construction or permanent financing of the premises. The Property Maintenance Declaration may be no lower than third in priority order of repayment. The encumbrance runs with the land and is binding on the property owner.

The maintenance term, or regulatory period, must be calculated from the date of Project Completion. The date of Project Completion is the date of the final documented inspection. The LPA must use this date to calculate the termination date specified on the Declaration form. If the final inspection report is not formally documented or available in the LPA files, the maintenance term will begin on the date of final disbursement of Access to Home Program funds. Please contact OCR staff to confirm this date.

If the eligible participant moves or leaves the unit for any reason within the three-year regulatory period, or the PMD is otherwise breached, the Access to Home Program funds must be repaid on a pro-rated basis as outlined on the PMD and below:

Months 0-12:	100% repayment due
Months 13-24:	67% repayment due
Months 25-36:	34% repayment due
After the 36 <sup>th</sup> Month:	0% repayment due

### 3.6.2 Subordination of the PMD

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The Property Maintenance Declaration is signed by the LPA and the property owner. The Property Maintenance Declaration may be no lower than third in priority order of repayment.

An owner whose building received Access to Home Program funds may request to subordinate the Property Maintenance Declaration for the purposes of refinancing an existing mortgage during the regulatory period. The request must come through, and be approved by, the LPA. The LPA will then forward the request to HTFC for review.

The LPA request must contain the following information:

- LPA name, SHARS ID number
- Participant name and address where Access to Home Program funds were utilized
- Total amount of Access to Home Program funds utilized for the project
- Explanation for subordination need

HTFC may approve refinances only under the following limited circumstances:

- a) lower interest rate (no cash out permitted) on a first mortgage;
- b) pay for major home renovation;
- c) pay for major medical expenses;
- d) death and burial of elderly spouse; or
- e) pay for educational expenses.

Items b), c), d), and e) must be well documented. With respect to refinancing, caution must be used. The LPA should document timely mortgage payments, a clear reduction in interest rate or mortgage term or both, and verification that the refinance will not result in cash to the borrower. The LPA should consider referring the homeowner to a local certified housing counseling agency for budgeting and other loan related education if the LPA does not have the capacity to provide education to the homeowner directly.

### 3.6.3 Waiver from Filing the PMD

An owner whose building received Access to Home Program funds may request a *waiver* to filing the Property Maintenance Declaration. Generally, waivers are issued where a lien is prohibited by state or federal rule. The most common example is a participant that resides in a rental property that is owned and managed by a not-for-profit organization but was funded, and subsequently regulated, by a state or federal program that prohibits additional liens.

The request must be in writing and must come through, and be approved initially by, the LPA. The LPA will then forward the request to OCR staff for review.

The request must contain the following information:

- LPA name, SHARS ID number
- Participant name and address where Access to Home Program funds were utilized
- Total amount of Access to Home Program funds utilized for the project
- Detailed explanation behind need for the waiver
- (LPA may be asked by OCR to determine) how State's investment will be protected absent the Property Maintenance Declaration

Upon receipt of the written request, OCR staff will review and decide within approximately 30 calendar days. During the review period, OCR staff may request additional information from the LPA and/or the participant. OCR will issue a response of approve or deny.

IF APPROVED, the LPA and the participant be required to sign the Property Maintenance Declaration, but the signed document will not be filed with the County. The LPA must maintain the Property Maintenance Declaration in its program files for the duration of the three-year regulatory period.

IF DENIED, the LPA must file the signed document with the County for the full term of the three- year regulatory period. OCR will not consider appeals to determinations made on waiver requests.

## **4 Program Administration**

This Chapter addresses general program administrative responsibilities and required procedures. Project-specific procedures are described in Chapter 5.

### **4.1 Term of the Program**

All contract activities must be completed within two years of executed Program Agreement.

### **4.2 Administrative Plan**

Administration of each Access to Home Program will be governed by the Administrative Plan as well as material provided in the proposal.

The proposal material consists of:

- Program activities and scope,
- The selection process for assisted units
- Project development
- Contractor Procurement
- Service program linkages;
- Program service area;
- Public outreach procedures;
- Staffing; and
- Fiscal management.

The Administrative Plan is enforceable along with the terms of the Program Agreement and will be reviewed by OCR staff as part of monitoring.

### **4.3 Marketing & Outreach**

The LPA will conduct outreach in the awarded service area to make service agencies and potential participants ware of the availability of financial assistance for accessibility modifications. The LPA will develop and distribute informational materials to market program availability and explain program requirements. The LPA shall maintain all documents demonstrating outreach activities and be prepared to provide to HTFC for monitoring.

### **4.4 Financial Management**

Access to Home Program recipients must follow these instructions to report on project activity and to receive disbursements of funds. LPAs should also refer to the Access to Home Program Agreement and direct questions to OCR staff before undertaking activities if there are questions or concerns. Failure to follow instructions in the administration of an Access to Home Program award may result in the repayment, recapture or de-obligation of funds awarded for this purpose and may adversely impact the future eligibility of an LPA to receive these or other program funds awarded by the HTFC.

NOTE: All forms required for the Access to Home Program can be found on the HCR Web site at <https://hcr.ny.gov/access-home>.

#### 4.4.1 Program Budget

The Program Budget is approved prior to execution of the Program Agreement and is included as an attachment to the Agreement (Schedule A). It is enforceable along with all Program Agreement provisions.

There are no match requirements for the LPA or owners of private buildings whose tenants receive assistance. LPAs must demonstrate the ability to secure sufficient resources to administer the proposed Access to Home Program.

Access to Home Program funds will not be disbursed over the amount originally approved.

#### 4.4.2 Financial Set-up

Two financial forms must be submitted with the Program Agreement and during contract administration if account or signatory changes occur:

1. An Authorized Signatory Form:  
[https://hcr.ny.gov/system/files/documents/2019/07/AuthorizedSigForm\\_2018-01-multiprogram.pdf](https://hcr.ny.gov/system/files/documents/2019/07/AuthorizedSigForm_2018-01-multiprogram.pdf)
2. An ACH/Direct Deposit Form:  
<https://hcr.ny.gov/system/files/documents/2019/02/htfcdirectdeposit.pdf>

#### 4.4.3 Project Set-Up

A Project Set Up Form (Access to Home Form-01) must be submitted to OCR staff for each project before the LPA commences work on the unit and before any request for disbursement is submitted. The Project Set Up Form allows program staff to formally commit funds for a project site and confirm eligibility of costs and activities.

The Form must be accompanied by:

- The Environmental Site Certification and Appendix A
- Written scope of work
- Photograph of front elevation view of unit; and
- BEFORE pictures of all work areas for Access to Home Program funding

Work may not commence until the Project Set Up is approved by Access to Home Program staff. The Project Set Up Form should only be submitted after the LPA has executed a written agreement with the property owner to do the specific work.

The data gathered from the Project Set Up Forms allows HTFC to monitor the program status and track program accomplishments. The LPA is responsible for submitting accurate project set up forms to OCR staff.

#### 4.4.4 Disbursements

All payments will be on a reimbursement basis for costs that have been incurred. There are no advances of funds.

LPAs may draw funds after the project work is completed. For larger buildings, or projects involving multiple trades or contractors, partial payments may be provided according to a schedule of work as agreed to by the LPA and OCR staff.

To receive reimbursement, the LPA will submit an Access to Home Disbursement Request. Each disbursement request must include the following:

- Disbursement Request Form signed by an Authorized Signatory on file with OCR;
- Project Detail Sheet that provides project-specific information on costs and activities. This form must specifically detail the work that has been completed;

“Before and after” photographs of the work including front elevation of the building (JPEG preferred) submitted via email to: [OCRStatePrograms@nyshcr.org](mailto:OCRStatePrograms@nyshcr.org). (requests submitted without photographs documenting the modifications made will be rejected and returned to the LPA); and

- Supporting documentation for all project expenses, such as invoices, and receipts, proof of payment, and final inspection reports.

By signing and submitting the Disbursement Request Form, the LPA is certifying that the work was done satisfactorily and is in accordance with applicable program rules and local laws.

The Disbursement Request Form may be scanned and/or E-mailed to OCR staff for approval. More detailed supporting documentation including full work write-ups and staff payroll records must be maintained in LPA files for periodic inspection by OCR staff.

Disbursement requests may be emailed to [OCRStatePrograms@nyshcr.org](mailto:OCRStatePrograms@nyshcr.org) with a cc: to OCR staff.

HTFC will make payments to LPAs through an automated deposit system. The timing of payments cannot be guaranteed, but deposit of funds typically occurs within 10-20 business days from receipt of a complete disbursement request.

The LPA must work with program staff to determine the appropriate disbursement schedule to effectively administer the Access to Home Program.

For the final disbursement request:

- Check “final” on the Disbursement Request Form; and
- Indicate a balance of \$0 on the Project Detail Sheet.

## **4.5 Progress Reporting**

### **4.5.1 Project Completion Forms**

The Project Completion Form and related documentation must be submitted within seven days of completion of each project, as described at <https://hcr.ny.gov/access-home>.

### **4.5.2 Records & Record Retention**

LPAs are responsible for maintaining complete project files for a period of seven (7) years as specified in the program agreement.

Supporting documentation will be maintained by the LPA in the project files and includes the following:

- participant application
- eligibility documentation
- property documentation, including address and photos
- documentation on historic preservation issues, lead-based paint, and environmental conditions and clearances, as applicable
- original inspection, work specifications & cost estimates
- bid documentation
- contracts
- the date when the work was initiated and completed
- inspection reports of LPA and/or architect
- contractor invoices & documentation of payment
- signed Property Maintenance Declaration(s) with property owner(s) (deferred loan terms and conditional repayment agreement)
- pre- and post-photographs of the modifications, as specified above.
- copy of customer sign-off of completed work
- copy of any warranties on equipment installed
- all correspondence between the LPA and OCR

LPAs are responsible for maintaining complete project files for a retention period of seven (7) years from Closeout, as described in Section 4.7.

## 4.6 OCR Technical Assistance & Monitoring

### 4.6.1 Technical Assistance

All award recipients are required to participate in a program implementation training session, usually conducted as a webinar. This training opportunity helps award recipients new to the Access to Home Program gain an understanding of day-to-day management and oversight of the program. The implementation program is also useful for past recipients because it highlights changes to the program made from previous funding rounds. The slides for the webinar are typically posted online after the session is conducted.

OCR staff also provide direct technical assistance as requested by participants in the program. The LPA may request technical assistance from OCR at any time during the Program Agreement term.

OCR strongly recommends that a request for technical assistance be submitted as soon as the LPA recognizes the need. This will help ensure that OCR and the LPA can work together to ensure the successful implementation of the Access to Home Program. Requests for technical assistance can be made to OCR staff or to: [OCRStatePrograms@nyshcr.org](mailto:OCRStatePrograms@nyshcr.org). OCR also offers pre-application technical assistance and an exit conference for applicants that did not receive funding. Additional training opportunities are posted on the HCR website at [www.nyshcr.org](http://www.nyshcr.org).

### 4.6.2 Monitoring

Program progress will be monitored by OCR staff by desk audits and site visits. LPAs will be contacted and notified in writing in advance of all scheduled site visits, desk audits, or other program reviews and reminded of progress requirements.

OCR reserves the right to require files to be submitted for review, or to conduct onsite reviews. Project files may be subject to examination at any time by representatives of the HTFC or HCR whether as part of a scheduled site visit, desk audit, or any other Access to Home Program review. The review of files can include though is not limited to:

- Participant application
- Eligibility documentation
- Work write-up/specifications
- Lead-Based Paint (LBP) disclosure, if pre-1978
- Cost estimate
- Contractor bid package/proposals
- Construction Documents (contract, insurance, permits, affidavit/waivers of lien)
- Contractor invoice(s)/vouchers
- Inspection reports & customer signoffs
- Evidence of contractor disbursement
- Warranties

- Pictures (front elevation, before & after)
- Executed Property Maintenance Declaration (PMD)
- All correspondence between the LPA and OCR

### 4.6.3 Compliance Findings

An LPA may be non-compliant for a variety of reasons including, but not limited to:

- Lack of performance, including failure to meet goals agreed to in the executed Program Agreement;
- Misuse of program funds;
- Broader financial/audit issues within the company;
- Failure to submit required program documents in a timely fashion and as required by the Program Agreement, this manual, or statute;
- In default or poor standing with other HCR programs; or
- Failure to comply with rules and regulations as outlined in this manual, in statute, or in the Program Agreement.

Any LPA that is in non-compliance will be placed in default. OCR will issue a default letter with a timeline and instructions for returning to compliance.

If the LPA fails to follow the instructions and correct the compliance concerns, OCR may terminate the Program Agreement. Termination may include recapture and/or de-obligation of program funds.

### 4.6.4 Recapture of Funds

OCR may recapture and/or de-obligate funds from the LPA for a violation of program rules, a program default, or in the event of a terminated Program Agreement. In the event of a violation of program rules by program participants, the LPA is required to recapture Access to Home Program funds and return the funds to HTFC. OCR may require the LPA to recapture funds for program violations.

Funds recaptured from specific projects are for the pro-rated amount of Access to Home Program funds used for the building. OCR may withhold delivery of future funds for program violations until they are corrected in accordance with Access to Home Program requirements and to the satisfaction of OCR.

Recaptured funds must be mailed to:

Housing Trust Fund Corporation  
P. O. Box 1339  
Albany, NY 12201-1339

The check must include the SHARS ID number in the memo line and must be accompanied by the HTFC HCR Returned Funds Cover Sheet. A fillable version of the form is available online <https://hcr.ny.gov/access-home>.

#### **4.7 Program Agreement Closeout**

Within 30 calendar days from a Program Agreement end date, the LPA must submit all required Access to Home Program documents, including final disbursement requests, to OCR staff.

As noted in Section 4.4.4, the final disbursement request should be checked as “final” on the Disbursement Request Form, and a balance of \$0 indicated on the Project Detail Sheet.

Upon completion of the contract, the LPA will receive an Access to Home Program closeout letter. The closeout letter will request confirmation of the buildings and units assisted with Access to Home Program funds. If all funds were not expended by the contract end date the closeout letter will identify the amount of Access to Home Program funds that are being de-obligated by OCR. The LPA must review the closeout letter and, if the LPA concurs, sign the letter, and return it to OCR staff.

#### **4.8 Conflicts of Interest**

LPAs must have a conflict-of-interest policy that applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, the LPA, or unit of general local government or any designated public agencies. The LPA is responsible for determining if a conflict of interest exists or may exist and reporting it to OCR staff as necessary. An appropriate conflict of interest policy will be required as part of the application process. The policy may require adjustment prior to grant execution if it does not include all the elements required by the Access to Home Program.

##### **4.8.1 Applicability**

The procurement of supplies, equipment, construction, and services by the State, units of local general governments, and Local Program Administrators (LPA), including the accessibility modification of real property and the provision of assistance with Access to Home Program funds by the LPA, to individuals, businesses and other private entities.

##### **4.8.2 Conflicts Prohibited**

Except for eligible administrative or personnel costs, the general rule is that, unless prior written approval is obtained from OCR, no covered person who exercises or has exercised any functions or responsibilities with respect to Access to Home Program activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

LPA's will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by state funds if a conflict of interest, real or apparent, may be involved. Such a conflict would arise when:

- (i) The employee, officer or agent,
- (ii) Any member of his/her immediate family defined as a spouse, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law or daughter-in-law;
- (iii) His or her partner, or
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The LPA's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. LPA's may set minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the LPA's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

## 5 Project Administration

This chapter outlines the requirements and standard procedures for individual projects assisted with Access to Home.

### 5.1 Project Qualification

With the information that is assembled upon referral as outlined above, the LPA should determine if the household and property qualify for assistance, including:

- The assisted unit must fall within the targeted service area.
- The assisted household have one individual with a professionally documented permanent physical disability.
- The home, whether owner-occupied or a rental unit, must be the primary residence of the individual with a physical disability.
- The household's annual income does not exceed 80 percent (or 120 percent for disabled veterans/heroes) of the area's median family income (AMI).
- The owner must be current on taxes and maintains property insurance.
- The work undertaken will not exceed the \$25,000 limit of Access to Home Program funds per unit for the full regulatory term, including any previous work completed with Access to Home Program funding still within its regulatory period. (If a property previously received Access to Home Program assistance, the LPA should check with OCR staff to determine if the regulatory period has expired. Provide the address, county and section/block/lot (S/B/L) numbers).
- If participating in the Access to Home for Medicaid Recipients Program, the individual living with a physical disability must receive Medicaid assistance;
- If participating in the Access to Home for Heroes/Veterans Program, the individual living with a physical disability must be an honorable or generally discharged veteran.

If these conditions are met and funding is available, the LPA should prepare and submit the environmental information noted below in Section 5.1.3.

#### 5.1.1 Inspection & Work Write-up

The LPA will inspect the unit and identify eligible program activities to enable the participant to live at home safely and comfortably, rather than in an institutional setting.

If modifications are needed and the household and unit is eligible, the LPA should complete a work write-up consisting of a description (and documentation) of the situation(s) and detailed specifications that describe the modifications required to correct the situation(s). Eligible repairs (and ineligible repairs) are defined in Section 3.3. The deferral policy for properties with health and safety issues that cannot be addressed is described in Section 3.3.3.

The LPA should also complete an estimate of the cost of repairs to ensure that repairs will need exceed the program limits.

### 5.1.2 Household Qualification

When the home is being inspected and the repairs itemized and estimated, the LPA should also collect documentation to determine the household as eligible, including:

- Income – Verification that the household’s annual income does not exceed 80 percent (120 percent for Veterans with a disability) of the area’s median family income;
- Disability – Verification of a professionally documented physical disability;
- Required program status – Other eligibility applicable to the specific program, such as Medicaid or veteran status; and
- Prior assistance – Verification from records and consultation with OCR staff that the household/unit was not previously assisted with Access to Home Program funds that are still within a regulatory period.

All of these items should be documented in the project file.

### 5.1.3 Site-specific Environmental Certification

As sites are chosen, an “Environmental Compliance Certification and Appendix A” must be completed, signed and submitted to OCR to initiate site-specific clearance, and must accompany the Project Set Up Form as described in Section 0.

This checklist will identify and document any issues that must be resolved and address any environmental issues that might impact individual sites in your program. A PDF fillable Environmental Compliance Checklist, along with instructions on how to complete the checklist, is available for viewing and printing at <https://hcr.ny.gov/access-home>.

The Site-Specific Certification and Appendix A must be completed and submitted to OCR staff prior to the start of any work on each site. EAU may need to review and approve work in circumstances such as:

- Substantial improvement in a flood zone;
- Work on a building determined by SHPO to have historic or cultural significance;
- Ground disturbance;
- Zoning changes; or
- If the work constitutes a SEQR Unlisted action

The Certification must be submitted even if there are no circumstances that warrant further review.

## 5.2 Contractor Selection

Formal bidding is required for the Access to Home Program. LPAs are required to obtain a minimum of two bids for each separate project to establish the reasonableness of modification costs.

As noted in Section 4.2, the LPA is required to establish a standard practice procedure for contractor selection. Upon the determination of eligibility for program assistance and that environmental compliance is achieved, the LPA should proceed with contractor bidding and selection.

For each project, the LPA must issue a request for contractor bids that details the work that will be required to correct accessibility issues. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. An award may be made to the responsible bidder whose proposal will be most advantageous with price and other factors considered.

As noted, LPAs may maintain a pre-approved pool of qualified contractors for bid solicitation.

To the extent feasible, LPAs must ensure that outreach to women-owned and minority-owned business enterprises (MWBE) is conducted. HCR's Office of Fair Housing and Equal Opportunity may provide assistance with outreach. MWBE information is also available at <https://hcr.ny.gov/fair-and-equitable-housing-office>.

It is permissible for an LPA to use a contractor/service provider who has an existing contractual relationship with the assisted household if the contractor meets all requirements for working under the Access to Home Program.

### **5.2.1 Equal Employment Opportunity/Minority and Women Owned Business**

Access to Home Program recipients of awards \$100,000 or more are subject to Article 15A of the New York State Executive Law, which requires that affirmative efforts are made to ensure that New York State Certified Minority and Women-Owned Businesses are afforded opportunities for meaningful participation in projects funded by the HTFC, pursuant to Section 313 of the Article.

Recipients of awards of less than \$100,000 are not required to comply with Article 15A; however, they are strongly encouraged to make affirmative efforts to meet the equal opportunity provisions of Section 312 of the Article. This includes affirmative efforts to ensure that New York State Certified Minority and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects funded by the HTFC pursuant to Section 313 of the Article.

During the funding round, preference will be given to those Applicants who demonstrate at the point of application that their procurement goals and/or plans will meet the requirements of Article 15A of the New York State Law.

### 5.2.2 EPA Renovator

The EPA's Renovation, Repair and Painting Rule (RRP) requires contractors or firms performing renovation, repair, or painting projects that disturb lead-based paint in homes built before 1978 to be licensed and use certified renovators trained by EPA-approved providers and follow lead-safe practices. LPAs must require all of their contractors to be EPA licensed renovation firms and require a renovator to be onsite and supervise when any painted surface is being disturbed.

More information is available at <http://www2.epa.gov/lead/renovation-repair-and-painting-program>.

### 5.3 Construction Monitoring

The LPA must also establish a standard practice for monitoring licensed contractors for adherence to deadlines and quality of workmanship.

This should, at a minimum, include:

- Verification of work performed prior to payment; and
- Final inspection prior to the release of final payment to ensure that the entire scope has been completed and the owner will sign off.

### 5.4 Owner Agreement Execution

The LPA and the homeowner must both sign a Property Maintenance Declaration that is to be filed with the local county clerk's office. The Property Maintenance Declaration acknowledges that the unit was improved using Access to Home Program funds provided to the LPA from the HTFC and states that the owner will:

- Allow the participant to reside in the residence for the three-year regulatory period or, upon the participant vacating the unit, the owner will market the property to low-income residents with a physical disability;
- Maintain the property in good operating condition; and
- Not sell, move, demolish or materially alter the property without the prior written consent of the LPA.

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The Property Maintenance Declaration may be no lower than third in priority order of repayment.

The encumbrance runs with the land and is binding on the homeowner. Should the Property Maintenance Declaration be breached, the Owner is obligated to return the full amount of Access to Home funds to the LPA for recapture by HTFC in accordance with the recapture schedule found in the Declaration.

#### **5.4.1 Referral for Services (if applicable)**

The LPA shall establish a standard practice procedure that details the referral process to be used in coordinating the delivery of the Access to Home Program funds with other programs.

The LPA shall maintain files and records of the Service Provider Agreements in place that provide the following information: service provider name, a brief description of the type of service and copies of written commitment letters.

### **5.5 LPA Ongoing Project Responsibilities**

The LPA will be responsible for compliance monitoring during the three-year regulatory period. LPAs may find it helpful to utilize customer case management or follow up systems that partner service agencies already have in place. A complete long-term monitoring plan will be required as part of the Access to Home Program application.

The Property Maintenance Declaration imposes a three-year regulatory period, during which the owner agrees to:

- Maintain the unit in good operating order and condition;
- Not sell, move, demolish or materially alter the property without the prior written consent of the LPA; and
- If the improved unit becomes vacant during the Regulatory Period, market the unit and make it affordable to persons of low-income and living with a physical disability.

#### **5.5.1 Vacant Units during the Regulatory Period**

Any rental residential unit assisted with Access to Home Program funds that is vacated during the regulatory term must be reserved for occupancy by households with incomes at or below 80 percent of AMI (or 120 percent of AMI if the household includes a disabled veteran), adjusted for family size, and be affirmatively marketed to persons with disabilities. Compliance with the income targeting plan proposed in the application is required only for the initial occupancy of the unit. Rental properties must remain affordable to low-income households for three years, must be affirmatively marketed to persons with disabilities, and must be maintained in a safe and habitable condition during the regulatory term.

#### **5.5.2 Release of Declaration**

The PMD is a “self-releasing” document, so no administrative action is required for release upon completion of the three-year regulatory period.

If a property owner decides to no longer participate in the Access to Home Program and returns the grant funds to the LPA to be returned to HTFC, a Release of Declaration should be filed to remove the maintenance responsibilities attached to the Declaration. The template release form can be obtained by contacting OCR staff upon return of funds to HTFC.

### **5.5.3 Sale or Non-Compliance During the Regulatory Period**

Should the Property Maintenance Declaration be breached, including a sale during the three-year period to other than a low- or moderate-income resident with a physical disability, the Owner is obligated to return the Access to Home Program funds to the LPA.

Funds must be returned with the HTFC HCR Returned Funds Cover Sheet. A fillable version of the form is available online at: <https://hcr.ny.gov/access-home>.