

ACCESS TO HOME, ACCESS TO HOME FOR HEROES, AND ACCESS TO HOME FOR MEDICAID MEMBERS PROGRAMS

LOCAL PROGRAM ADMINISTRATOR (LPA) MANUAL



**Homes and
Community Renewal**

Table of Contents

DEFINITIONS & ACRONYMS	3
INTRODUCTION	4
I. Notice of Funding Availability and Request for Applications	4
II. Application Process	4
A. <i>Notice & Submission</i>	4
B. <i>Application Review & Scoring</i>	5
C. <i>HTFC Board Approval</i>	5
1. Application Review for Applicants Not Selected	5
III. Execution of Program Grant Agreement.....	5
A. <i>Insurance Requirements</i>	5
B. <i>Grant Agreement Documents</i>	6
PROGRAM ELIGIBILITY	7
I. Eligible Applicants.....	7
A. <i>Not-For-Profit Documentation</i>	7
II. Eligible Participants	7
A. <i>Homeownership</i>	7
B. <i>Income Eligibility</i>	8
C. <i>Documentation of Disability</i>	8
D. <i>Documentation of Medicaid Membership</i>	8
E. <i>Documentation of Veteran Status</i>	8
F. <i>Taxes and Insurance</i>	8
III. Project Eligibility	9
A. <i>Eligible Properties</i>	9
B. <i>Rental Properties</i>	9
C. <i>Previously Assisted Property</i>	9
D. <i>LPA Owned Properties</i>	10
E. <i>Leveraged Funding</i>	10
IV. Eligible & Ineligible Improvements.....	10
A. <i>Eligible Repairs & Improvements</i>	10
B. <i>Ineligible Repairs & Improvements</i>	11
C. <i>Work Standards</i>	11
D. <i>Health and Safety Standards</i>	12
E. <i>Applicability of Lead-Based Paint Requirements</i>	12
F. <i>Referral for Services</i>	12
V. Eligible Costs	13
A. <i>Project Delivery Costs</i>	13
B. <i>Administrative Costs</i>	13
C. <i>Participant Contribution</i>	14
D. <i>Other Funding</i>	14
PROGRAM ADMINISTRATION	15
I. Administrative Cycle	15

A.	<i>Administrative Plan</i>	15
B.	<i>Marketing & Outreach</i>	15
C.	<i>Conflicts of Interest</i>	15
1.	<i>Applicability</i>	16
2.	<i>Conflicts Prohibited</i>	16
II.	<i>Environmental Review/SEQR</i>	16
A.	<i>Programmatic Clearance</i>	17
B.	<i>Site-Specific Clearance</i>	17
III.	<i>Contractor Procedures</i>	17
A.	<i>Equal Employment Opportunity/Minority & Women Owned Business</i>	17
1.	<i>MWBE Process Summary for Access to Home</i>	17
B.	<i>Contractor and Professional Services Selection & Monitoring</i>	18
1.	<i>General Requirements</i>	18
2.	<i>EPA Renovator</i>	18
3.	<i>Obtaining Bids by Project</i>	19
4.	<i>Contractor Bid List System</i>	19
5.	<i>OCR Review</i>	20
6.	<i>Utilizing Bid List</i>	20
C.	<i>Construction Monitoring</i>	20
IV.	<i>Financial Management</i>	20
A.	<i>Program Budget</i>	20
B.	<i>Financial Set Up</i>	21
V.	<i>Project Setup & Disbursement</i>	21
A.	<i>First File Review</i>	21
B.	<i>Project Setup</i>	21
C.	<i>Disbursement Requests</i>	22
VI.	<i>Project Completion & Project Maintenance Declaration</i>	22
A.	<i>Project Completion</i>	22
B.	<i>Property Maintenance Declaration</i>	23
C.	<i>Subordination of the PMD</i>	24
D.	<i>Waiver from Filing the PMD</i>	24
	CONTRACT CLOSEOUT, MONITORING, & COMPLIANCE	25
I.	<i>Contract Closeout & Extensions</i>	25
A.	<i>Contract Closeout</i>	25
B.	<i>Contract Extensions</i>	25
II.	<i>Monitoring & Record Retention</i>	25
A.	<i>Compliance Monitoring</i>	25
1.	<i>Technical Assistance</i>	26
B.	<i>Compliance Findings</i>	26
1.	<i>Recapture of Funds</i>	26

DEFINITIONS & ACRONYMS

Applicant – Units of local government or not-for-profit corporations in existence for a period of one or more years prior to application which are incorporated under the New York State Not-For-Profit Corporation Law and have been engaged primarily in housing and community development activities and submit an application for funding in response to an RFA released by 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 in a time of war.

Disabled Veteran (Access to Home for Heroes Program) – A veteran with, including but not limited to, a permanent disability 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.

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 low-income participants.

Life Estate – Whereby two (2) or more people each have an ownership interest in a property. The person holding the life estate ("life tenant") possesses the property during their life.

Local Program Administrator (LPA) – An organization awarded funds to administer OCR programs, including the Access to Home program. 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 (AHC), The Division of Homes and Community Renewal (DHCR), Housing Finance Agency (HFA), State of New York Mortgage Agency (SONYMA), Housing Trust Fund Corporation (HTFC) and others.

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

Procorem – A secure file transfer program used by OCR for files that contain Personal Identifiable Information (PII) or are otherwise too large for email transmission.

Property Maintenance Declaration (PMD) – An agreement signed by both the LPA and the homeowner that is subsequently filed with the county clerk's office. The PMD 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/Return of Funds – HTFC may recapture funds from the LPA if funds are not spent within the approved Grant Agreement period, if the funds are not spent in accordance with program rules, or for other reasons. Further, for a variety of reasons, the LPA may be required to have the homeowner return Access to Home funds to HTFC. The LPA is responsible for the recapture and returning of the funds to HTFC.

Request for Applications (RFA) – A public solicitation made by HTFC through OCR to make funds available for the Access to Home Program. 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 OCR 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 ID number.

INTRODUCTION

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. The program’s intent is to enable individuals with 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.

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 Access to Home for Heroes 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 Access to Home for Medicaid Members 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 accomplishes a secondary goal of lowering health care costs over the long-term.

This LPA Manual describes the policies and procedures that must be followed by a Local Program Administrator (LPA) in the implementation of the Access to Home program. Policies and procedures contained in this manual are enforceable along with the program Grant Agreement and Administrative Plan.

Program documents and forms referred to in this manual are available on the NYS Homes and Community Renewal (HCR) website at:

- <https://hcr.ny.gov/access-home#forms-&-documents>
- <https://hcr.ny.gov/access-home-heroesveterans#forms-&-documents>
- <https://hcr.ny.gov/access-home-medicaid-members#forms-&-documents>

Any questions regarding the contents of this manual or the Access to Home Program may be directed to OCR staff at: OCRInfo@hcr.ny.gov.

I. Notice of Funding Availability and Request for Applications

The Housing Trust Fund Corporation (HTFC) through the Office of Community Renewal (OCR), releases a Request for Applications (RFA) upon availability of funding for the Access to Home Program. The RFA provides the framework for the Access to Home Program 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 proposals detailing how they will administer local Access to Home Programs to include the criteria for selecting eligible recipients, construction monitoring, and compliance with program requirements. Applicants are awarded on a competitive basis and must be approved by the HTFC Board of Directors.

II. Application Process

A. Notice & Submission

Once an RFA is made available, applicants must submit Access to Home Program application exhibits and attachments electronically using the Community Development On-Line System (CDOL), which is accessible online at <https://hcr.ny.gov/community-development-online>.

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 should include the SHARS ID number.

Only on time applications submitted electronically using HCR's CDOL will be accepted. Incomplete and/or late applications will not be accepted.

B. Application Review & Scoring

All Access to Home Program applications are reviewed according to eligibility and review 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.

C. 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 Grant Agreements.

1. Application Review for Applicants Not Selected

A Common Application Errors webinar may be offered by OCR staff after award determinations have been announced. This webinar serves as a debrief to provide common deficiencies and general guidance for unsuccessful applications and is designed to help applicants prepare for future application rounds.

III. Execution of Program Grant Agreement

HTFC expects to enter into a Grant Agreement within 45 business days of the Access to Home Program award recipient's compliance with all submission requirements or start of the period of performance. Program activities must not commence until a Grant Agreement is executed with 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 Grant Agreement and remain responsible for the overall program compliance.

A. Insurance Requirements

Awarded LPAs are required to obtain and maintain proper insurance and bonds. At a minimum, copies of the following must be provided based upon organization structure:

- A Certificate of General Liability Insurance (\$1,000,000 minimum),
- Automobile Insurance,
- Workers Compensation Insurance,

- Disability Insurance (not required for units of local government),
- Crime Insurance or 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 Grant Agreement requirements. Disbursement requests that exceed the amount of the Crime Insurance/Fidelity Bond will be rejected.

B. Grant Agreement Documents

The following items comprise the completed Grant Agreement:

- **Access to Home Grant Agreement** – Contains the overall requirements and contents of the agreement between LPA and 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 Grant Agreement.
- **Schedule B – Administrative Plan** – The Grant Agreement includes the 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 Access to Home Program may begin, nor reimbursable costs incurred, until the Grant Agreement is executed.

PROGRAM ELIGIBILITY

I. Eligible Applicants

A unit of local government, or not-for-profit corporation in existence for a period of one or more years prior to application that is incorporated under the not-for-profit corporation law and has been engaged primarily in housing and community development activities, is eligible to apply and, if awarded, administer a local Access to Home Program. All areas of the state are eligible as Access to Home target areas.

Two or more eligible entities may partner in the 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 applicant and LPA, if awarded, and be contractually responsible to carry out the program activities.

A. Not-For-Profit Documentation

Not-for-profit organizations must provide OCR with copies of Incorporation documentation, as well as documentation of any official D/B/A or name change, at the time of Grant Agreement execution.

II. Eligible Participants

A. Homeownership

The assisted residential unit must be the primary, permanent residence of the eligible participant. An eligible participant must have a documented substantial limitation caused by disability. The following forms of ownership are permissible:

- Ownership in fee simple title,
- Ownership of unit, or mobile/manufactured housing with long-term land leasehold interest,
- Condo or co-op unit ownership – with condo/co-op board approval,
- Life estate or beneficiary deed ownership whereby two (2) or more people each have an ownership interest in a property. The person holding the life estate (“life tenant”) possesses the property during their life. The other owner(s) or future interests (“remainderman”) automatically take possession of the property upon the death of the life tenant. The life tenant may qualify for program assistance on the following conditions:
 - Life tenant does not pay rent,
 - Application discloses the existence of the life tenancy,
 - Deed names the life tenant and each remainderman,
 - Life tenant and remainderman (all owners listed on the deed, or beneficial parties) must sign, witnessed by a Notary Public, the Participant Agreement, and the Property Maintenance Declaration (PMD) agreeing to repayment obligations placed on the property.
- Inherited property – occupant shares ownership with other non-resident heirs but pays all costs of ownership; all who share ownership must sign the PMD.
- Rental property tenant – with written approval from property owner.

Right to possession under a contract for deed, installment contract, or land contract (pursuant to which the deed is not given until the final payment is made) is not ownership.

The ownership interest may be subject only to mortgages or other liens or instruments securing debt on the property or any other restrictions or encumbrances that do not impair the good and marketable nature of title to the ownership interest. All owners or beneficial parties must sign the PMD.

B. Income Eligibility

- **Access to Home and Access to Home for Medicaid Members Program** – Income must be 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).
- **Access to Home for Heroes** - Household income not to exceed 120 percent of area median income. Must have qualifying veteran status, disability does not need to have been incurred in time of war or service connected.

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. LPA's must develop and implement a policy to recertify income eligibility consistently throughout the Program Agreement, subject to OCR monitoring. Income eligibility must be signed within 12 months of a Project Setup request.

The LPA may adopt a Proxy Income Eligibility process with prior approval from OCR.

C. Documentation of Disability

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

D. Documentation of Medicaid Membership

For the Access to Home for Medicaid Members Program only, the LPA must review information provided on the consumer's Medicaid Benefit Card. The consumer's Medicaid Client Identification Number (CIN) must be documented by the LPA and reported to OCR to allow for reporting to DOH.

E. Documentation of Veteran Status

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

For specific time of war eligibility dates, see the VA Benefits website here:

<https://www.va.gov/pension/eligibility/>.

F. Taxes and Insurance

Eligible participants are required to be current on real estate taxes and maintain comprehensive homeowners' insurance. The LPA must maintain supporting documentation of the most recent paid tax receipt along with evidence of current homeowner's insurance. A copy of the homeowners' insurance declaration page is required, and must include the insured's name, the address of the insured property, insurance provider, policy number and coverage. A participant that is unable or unwilling to provide such evidence is ineligible.

III. Project Eligibility

A. Eligible Properties

Access to Home Program funds are available statewide. An applicant, however, must identify the proposed service area. If awarded, the local Access to Home Program must be carried out in the defined service area (the community, neighborhood, or jurisdiction where Access to Home Program funds will be invested).

The person with a 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 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.

B. 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 people with disabilities to remain in their apartments. Rental property owners are not required to sign a Property Maintenance Declaration (PMD) but must sign an Owner/Participant Agreement accepting the scope of work and acknowledging the program requirements and responsibilities.

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.

C. Previously Assisted Property

A building may receive Access to Home Program assistance more than once. However, the expenditure of Access to Home Program funds may not exceed a total of \$25,000 for one or more repairs to a given property within the three-year regulatory period of a PMD.

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

- If a property has previously been served and is in its regulatory period but has not received the maximum amount, the household can be served again until it reaches the building maximum cumulatively.
- If a property has been assisted but the previous award's regulatory period has expired, it may be eligible for further assistance through the Access to Home Program.

For example: John Doe receives an Access to Home Program grant for his home at 123 Main Street in the amount of \$20,000 on April 13, 2022. The regulatory period begins on the date the original PMD is filed with the county. John Doe's home address at 123 Main Street is eligible for additional Access to Home Program assistance of \$5,000. A new Property Maintenance Declaration Form is filed by the LPA upon completion of the second \$5,000 modification. John Doe

is not eligible for additional assistance from the Access to Home Program until the regulatory period has passed.

D. 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.

E. Leveraged Funding

The LPA may use Access to Home Program funding as part of a larger, more comprehensive project. However, the repairs under the Access to Home Program must:

- Be used for accessibility modifications,
- Be clearly defined on bid documents and invoices,
- Be completed within Access to Home Program timeframes.

IV. Eligible & Ineligible Improvements

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).

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 disability or improve activities of daily living within and/or access to the dwelling unit. The LPA must specify the methodology used to identify and prioritize adaptation or retrofitting activities, and for making decisions regarding individual participants and units. The accessibility modifications for work scope development must be guided by a professional with credentials for accessibility.

A. Eligible Repairs & Improvements

In all cases eligible activities must result in enabling a person with a disability to live at home safely and comfortably, rather than in an institutional setting. The rehabilitation must include only accessibility modifications, retrofitting, and habitability repairs. The rehabilitation must include at least 40% accessibility modifications. The LPA is responsible for determining accessibility modifications and tracking costs.

Typical eligible accessibility modifications under the Access to Home Programs include (but are not limited to):

- Wheelchair ramps and lifts, handrails, 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 vibration-assisted smoke and security alarms.
- Relocating a bathroom or bedroom to the first floor.

- Generator with backup documentation from a medical professional – prior OCR approval is required.
- 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

B. Ineligible Repairs & Improvements

The following activities are ineligible for Access to Home Programs funding:

- Substantial renovations.
- Landscaping.
- Luxury items such as upgraded countertops (i.e. stone, granite, composite), or high-end luxury fixtures.
- Replacement of appliances unless there is a documented health or safety hazard and approved by OCR staff prior to purchase.
- Non-essential cosmetic repairs.
- Exterior egress repairs that are not necessary for safe access.
- Repairs or modifications to outbuildings and non-dwelling structures.
- Repairs or modifications to units not occupied by eligible participants.
- Any activity that does not meet the program intent of enabling individuals with a 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.

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.

C. 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 the installation of accessibility modifications. Architectural services that are necessary and appropriate to the work being done are an eligible cost.

D. Health and Safety Standards

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 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 and are beyond the scope of the Access to Home Program.

E. Applicability of Lead-Based Paint Requirements

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.

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: <https://www.epa.gov/lead/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 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.

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

F. Referral for Services

Any Access to Home Program participant that needs assistance outside of the scope of services offered by the Access to Home Program shall be referred by the LPA to an appropriate service provider.

The LPA shall establish a procedure that details the service referral process to be used in coordinating with the administration of the Access to Home Program.

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.

V. Eligible Costs

Eligible activities include emergency repair work up to \$25,000 in any single building or property. Administrative funds are not included in the limit, but project delivery funds are part of the \$25,000 limit per-unit.

Eligible costs include the hard costs of the repairs and improvements, plus permits and fees associated with such improvements. Architectural & design services are an eligible cost if they are necessary and appropriate to the work being done.

Access to Home Program funds will be disbursed only for projects completed after the date of the execution of the Grant Agreement, and only for projects with approved Project Setups. Projects completed prior to execution of the Grant Agreement or without Project Setup and OCR approval will not be reimbursed.

A. Project Delivery Costs

The Access to Home Program permits LPAs to incur very limited Project Delivery costs, which are soft costs incurred by the LPA for the repairs or improvements to a specific building or participant. While costs must be incurred and attributed to a specific project, they do not have to fall within a per-project funding limit, as long as the LPA does not exceed the maximum overall program cap. Project Delivery costs must represent actual billing and time, not a flat rate for internal staff costs.

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),
- Project-specific attorney fees,
- Health and safety testing costs, such as lead testing and clearances,
- Staff salary/fringe costs directly associated with a project such as:
 - Applicant intake and determining eligibility,
 - Conducting site visits,
 - Completing the scope of work,
 - Preparation of documents, such as executed contracts, invoices, etc.

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,
- Costs incurred by LPA to meet state insurance requirements as found in the Grant Agreement.

OCR may consider other project delivery costs not listed above for reimbursement. The LPA must submit a written request to OCR and receive written approval from OCR prior to the start of the project.

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. Staff time must be realistic and recorded in whole, half or quarter hour increments and accurately reflect internal payroll records.

B. Administrative Costs

The LPA may be awarded a percentage of the total award for Administrative costs to offset overall costs of implementing the Access to Home Program. These costs are not project specific and are not tied to a specific project address. The cap is announced in the Access to Home Program RFA and application guidance.

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,
- Partial allocation of rental fees associated with items such as building rent, electric, office telephone, or equipment rental bills,
- Offset salary of staff/fringe costs associated with implementing and/or monitoring the program.
- Indirect costs documented with a Negotiated Indirect Cost Agreement (NICRA).

The following are NOT permitted as Administrative costs:

- Full purchase of permanent equipment (laptops, tablets, phones, printers, etc.),
- Any costs that are charged directly to a project as Project Delivery costs,
- Offset of salary/fringe costs of staff not associated with the Access to Home Program

Mileage must be described in terms of distance and rate per mile on the disbursement paperwork. Staff time must be realistic and recorded in whole, half or quarter hour increments and accurately reflect internal payroll records.

C. Participant Contribution

LPAs must request prior OCR approval in order for participant funds to contribute toward project costs.

D. Other Funding

LPAs are required to demonstrate adequate resources to administer the proposed Access to Home Program during the application process. Additional sources of funding are strongly encouraged and may be necessary for costs that exceed the Access to Home Program limit. There are several energy assistance and home rehabilitation programs funded by OCR and other agencies that can be of assistance for low-income households. Information on all available agency programs can be found at: <https://hcr.ny.gov/>.

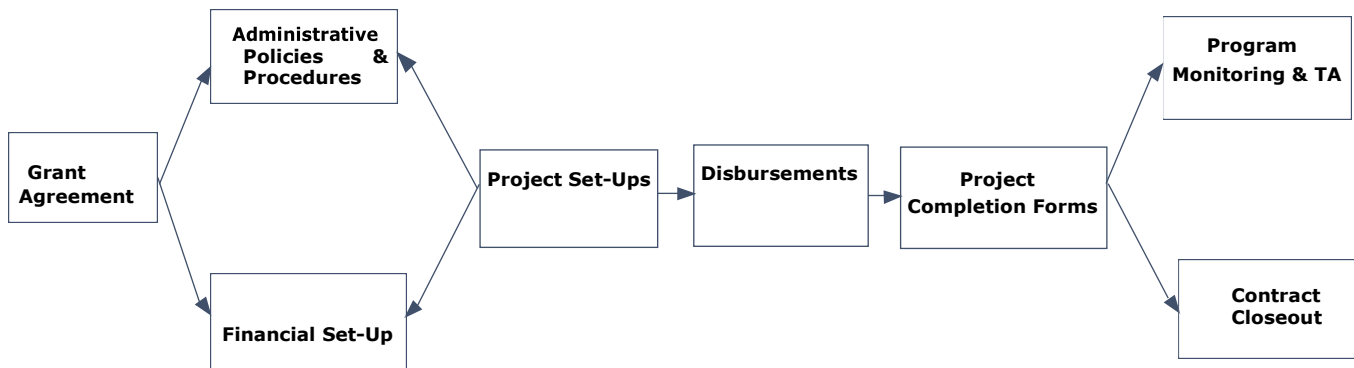
PROGRAM ADMINISTRATION

LPAs assume responsibility for ensuring successful completion of all assisted projects; evaluating and selecting activities to be supported; entering into contracts with participating property owners; and assuring compliance with all local, state, and federal laws and regulations.

I. Administrative Cycle

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

The Administrative Cycle is depicted below:



A. Administrative Plan

Administration of each Access to Home Program will be governed by the original proposal, this Manual, the Grant Agreement and associated Administrative Plan.

The Administrative Plan consists of:

- Program activities and scope,
- The selection process for assisted units,
- Construction procurement and management procedures,
- Service program linkages,
- Program service area,
- Public outreach procedures,
- Staffing,
- Fiscal Management.

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

B. Marketing & Outreach

The LPA will conduct outreach in the awarded service area to make service agencies and potential participants aware of the availability of financial assistance under the Access to Home Program. 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 OCR for monitoring.

C. 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 may 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 for Access to Home.

1. *Applicability*

The procurement of supplies, equipment, construction, and services by the State, units of local general governments, and LPAs, and such cases include the emergency repair of real property and the provision of assistance with Access to Home Program funds by the local program administrator, to individuals, businesses, and other private entities.

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.

LPAs 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 of the grantee, or sub-grantee; and
- (ii) Any member of his/her immediate family defined as a spouse, domestic partner, 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; or
- (iii) 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. LPAs 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.

II. Environmental Review/SEQR

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: upfront programmatic clearance and site-specific clearance as sites are selected by the LPA.

A. Programmatic Clearance

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.

B. Site-Specific Clearance

As sites are chosen, the Environmental Site Certification and SHPO Designation Certification must be completed, signed, and submitted to OCR staff to initiate site-specific clearance. These certifications will identify and document any issues that must be resolved and address any environmental issues that might impact individual sites in your program.

The Environmental Site Certification with SHPO Designation Certification and their applicable attachments must be completed and submitted to OCR staff prior to 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,
- If the work constitutes a SEQR Unlisted action, the Certification must be submitted even if there are no "Circumstances" that warrant further review.

III. Contractor Procedures

A. Equal Employment Opportunity/Minority & Women Owned Business

Recipients are required to comply with Articles 15 A and 17 B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women ("EEO"), and contracting opportunities for certified minority and women owned business enterprises ("MWBEs") and Service-Disabled Veteran Owned Businesses ("SDVOBs"). Recipient's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements.

The Recipient will promote and assist the participation of certified MWBEs and SDVOBs as outlined and in accordance with Participation by Minority Group Members, Women and Service-Disabled Veterans with Respect to State Contracts: Requirements and Procedures attached to the grant agreement with Housing Trust Fund Corporation.

Please visit NYS Empire State Development's Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <https://www.esd.ny.gov/doing-business-ny/mwbe>.

Access to Home program recipients awarded less than \$100,000 are not subject to Article 15A and 17B of the New York State Executive Law. LPAs are, however, encouraged to make 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 HTFC pursuant to Section 313 of the Article.

1. MWBE Process Summary for Access to Home

- Prepare and submit a Contractor Bid Solicitation Plan. This Plan will outline the goals (percentages are included in the existing grant agreement Schedule C), how the awarded organization intends to conduct marketing and outreach, and efforts to include MWBE firms in contracting opportunities. Costs for activities that cannot be bid

out (internal administrative costs) should be removed before preparing the calculations in this document.

- As activities proceed, the awarded organization will prepare a Bid Solicitation Log to document all the contractors or vendors included in each outreach and bidding process. The awarded organization must also document its bid review and selection decisions.
- If an MWBE firm is contracted for a project, utilization information (FID and payment amount) and affirmation of payment to contractor will be reported when the awarded organization seeks reimbursement from HTFC for a particular trade/invoice. The Project Detail Sheet used for disbursement requests includes a drop-down box to note MWBE/SDVOB firms.
- If the awarded organization is unable to reach the goals, a request for waiver must be submitted. The written request should be accompanied by a Certification of Good Faith Efforts form and supporting documentation to demonstrate its efforts. The documentation should demonstrate that the awarded organization followed the plan presented in the Bid Solicitation Plan and include documentation of each of the steps outlined above.
- All forms are available here: <https://hcr.ny.gov/access-home#forms-&-documents>.

B. Contractor and Professional Services Selection & Monitoring

The LPA must establish a single process to procure contractors and professional services for the term of the Grant Agreement, by either choosing to solicit bids by project, or by using a Contractor Bid List. In all cases, the procurement process must be free of collusion or intimidation, and the LPA must exercise appropriate oversight to ensure that it is fair, efficient, and free of actual and perceived conflicts of interest.

1. General Requirements

- Collect and maintain all documentation needed from the contractor or professional service to verify that they are insured, and meet local requirements, codes, rules and/or regulations for contractors.
- If pre-1978 property with a scope that includes paint disturbance, the work must be conducted by an EPA Renovation, Repair and Painting (RRP) Rule Certified Renovator. Determination of applicability should be documented. Certificates should be retained in program files.
- Proposals must be solicited from an adequate number of qualified contractors or professional servicers to permit reasonable competition consistent with the nature and requirements of the procurement.
- 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. Complete internal cost estimates for each work scope for reasonableness comparison. Compare all proposals to internal cost estimate.
- A written agreement or contract must be executed with the selected contractor or professional service to describe the cost, agreed upon scope of work, time frames for start and completion, payment terms, change order policy, and required insurance coverage.

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 should 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 can be found here: <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program>.

3. Obtaining Bids by Project

To obtain bids by project, the LPA must issue a request for bids for each project detailing the work required. A clear, written, scope of work for the project must be the basis for the bids or proposals.

- Upon the determination of the project's eligibility for program assistance and that environmental compliance is achieved, the LPA should proceed with contractor bidding and selection.
- 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 minimum, two bids must be received for each project to establish the reasonableness of costs.
- Document solicitation process using the bid solicitation log.
- Complete internal cost estimates for each work scope for reasonableness comparison. Compare all proposals to internal cost estimate.
- An award may be given to the responsible bidder whose proposal will be most advantageous with price and other factors considered.
- The use of in-house crews is permitted in limited circumstances. "Limited circumstances" meaning where the LPA in-house crew has specific expertise and corresponding certifications to address a repair (such as lead-based paint or mold remediation); or where a repair bid solicitation receives no responses from local contractors. OCR preapproval is required.

4. Contractor Bid List System

A Contractor Bid List system allows LPAs to streamline the procurement of contractors and professional services for a two-year period rather than procuring contractors for each project. LPAs should review their Contractor Bid Solicitation Plan for allowability prior to publishing a Request for Proposals (RFP). LPAs must obtain prior OCR approval of the system to procure contractors or professional services before setting up the first Contractor Bid List project. Additional contractors or professional services can be added to the list at any time, subject to LPA approval.

Steps to Creating a Contractor Bid List:

- Identify typical work scopes by trade covering anticipated aspects of Access to Home rehabilitation needs in the service area.
- Complete internal cost estimates for each work scope for reasonableness comparison.
- Issue an RFP asking that sealed proposals be returned via mail. The RFP must require all documentation necessary to qualify contractors including references, proof of insurance, lead certification, non-collusion forms, etc.
- Contractor Bid Solicitation Plan should be followed for MWBE goal compliance.
- Compare responses to internal cost estimate, complete the vetting process, and create a Contractor Bid List of contractors or professional services by trade.
- Notify each contractor or professional service of qualification and advise that projects will be awarded on a rotating basis.
- Participants may not be prohibited from requesting the services of a contractor or professional service not on the Contractor Bid List. In such circumstances, the LPA should verify that the requested contractor or professional service is insured, and

meets local requirements, codes, rules and/or regulations. The project should then be bid out to the Contractor Bid List and the requested contractor or professional service.

- The Contractor Bid List must remain open during the grant period.

5. OCR Review

Email project manager a single PDF for review including previously approved Contractor Bid Solicitation Plan, RFP, and resulting bidder list.

6. Utilizing Bid List

- A participant is determined eligible for the program and an inspection is conducted.
- The inspector will create a work scope and send to the first applicable contractor or professional service on the list via email or USPS. The contractor or professional service will reply with pricing and availability.
- Compare the bid against the in-house estimate. If the bid received is too high, or the company cannot complete the project, or do so timely, then the next contractor or professional servicer on the list shall be given an opportunity.
- Once a contractor or professional servicer accepts the job, normal monitoring of the project should commence.
- As utilization of the list proceeds, prepare a Bid Solicitation Log to document contractors or professional servicers contracted for each project.
- If an MWBE firm is contracted for a project, utilization information and Affirmation of Income Payment to contractor will be reported for disbursement. The project detail sheet includes a drop-down box to note MWBE firms.
- If the LPA is unable to reach MWBE goals, a request for waiver must be submitted. The written request should be accompanied by a Certification of Good Faith Efforts form and supporting documentation to demonstrate effort. This documentation should demonstrate that the LPA followed the plan presented in the Bid Solicitation Plan and include documentation of each of the steps outlined above.

C. Construction Monitoring

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

This should include:

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

IV. 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 Grant Agreement and direct all questions to OCR staff before undertaking activities where there are questions or concerns. Failure to follow these 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 HTFC.

A. Program Budget

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

B. Financial Set Up

The LPA is responsible for establishing an account for the receipt and disbursement of the Access to Home funds. Funds will be transferred directly into the LPAs' designated account through an Automated Clearing House (ACH) procedure.

Two financial forms must be submitted as part of Grant Agreement execution:

- An Authorized Signatory Form
- A Direct Deposit Form

An updated Authorized Signatory Form for Request for Funds form must be provided at any time an employee is added or removed as a signatory.

LPAs must send signed copies of each Authorized Signatory Form and Depository Designation Form to OCR staff. LPAs must submit signed, legible copies scanned into PDF and emailed to expedite processing and disbursement.

V. Project Setup & Disbursement

A. First File Review

The first Project Setup requested must also undergo the First File Review process. The First File Review is a two-step process, taking place at initial Project Setup and after the project work is complete. First File Review documentation must be submitted as one PDF into the LPA's assigned Procorem folder.

- The first "setup" half of the Project File Checklist must be completed and provided, along with all applicable attachments, at the time of Project Setup. No other Project Setups may be approved until this review is completed and approved by OCR Staff.
- The second "completion" half of the Project Checklist must be completed and provided, along with all applicable attachments, in a timely manner in combination with or directly after final disbursement and completion of all project work.

The First File Review process is ONLY required for the first Project Setup requested and this documentation is NOT required to be submitted to OCR for any other Project Setup requests unless requested. The Project File Checklist and Project File Checklist Instructions can be found on the website here: <https://hcr.ny.gov/access-home#forms-&-documents>.

Contact OCR Staff with questions regarding the use and access of Procorem.

B. Project Setup

A Project Setup Form must be submitted for each project before the LPA commences work on the unit and before any request for disbursement is submitted. The Project Setup Form allows OCR staff to confirm eligibility of costs and activities and formally commit Access to Home Program funds for a project site. Project Setup requests must be sent to OCRStatePrograms@hcr.ny.gov and the Project Manager.

The Project Setup Form must be accompanied by:

- The Environmental Site Certification with SHPO Designation Certification, including all applicable attachments,
- Written scope of work that includes cost estimate,
- Photograph of front elevation view of unit,
- Before pictures of all work to be performed with Access to Home Program funding.

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

The total estimated cost on the Project Setup Form must be inclusive of hard costs of construction and project delivery costs.

The data gathered from the Project Set Up Forms allows OCR to monitor the program status and to report to the Legislature on program accomplishments. The LPA is responsible for submitting accurate Project Setup Forms to OCR staff.

C. Disbursement Requests

All payments will be on a reimbursement basis for costs that have been incurred. There are no advances of program funds. LPAs may request funds after the project work is completed.

To receive reimbursement, the LPA will submit a Disbursement Request. Each Disbursement Request must include the following:

- Disbursement Request Form signed by an Authorized Signatory on file with OCR,
- Administrative Funds Detail Sheet, if applicable, with back up documents for OTPS,
- Project Detail Sheet that provides project-specific information on costs and activities. This form must specifically detail the work that has been completed,
- Supporting documentation for all project expenses, including invoices and receipts,
- Proof of Payment to the Contractor.

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.

Copies of work write-ups, staffing records, invoices for materials and labor, cancelled checks and any LPA inspection reports of the completed work must be maintained in LPA files for periodic inspection by OCR staff.

Disbursement Requests must be e-mailed to Disbursements@hcr.ny.gov and the Project Manager.

HTFC will make payments to LPAs through an automated deposit system. While the timing of payments cannot be guaranteed, generally this process can be accomplished - from receipt of a complete and accurate LPA payment request to payment - within 10-20 business days.

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

Proof of payment to the contractor, vendor, and/or consultant should be provided with the disbursement request. Proof of payment must be provided within 45 days of the disbursement request submission.

Funds received by the LPA must be disbursed to the contractor or vendor within five business days of the electronic transfer.

VI. Project Completion & Project Maintenance Declaration

A. Project Completion

Project Completion Forms must be submitted prior to, or as part of, a final disbursement.

The submission must include:

- The Project Completion Form
- Final Disbursement materials, if applicable,
- After photographs (front elevation and all repairs completed).
 - Digital photographs in .JPEG, .PNG, or .PDF only.

The street address of the unit must be in the subject line of the email. The body of the email must include the LPA's name and the Access to Home Program SHARS ID number.

The Project Completion Form total amount must reflect the total amount disbursed for that project, inclusive of both hard costs of construction and project delivery costs.

B. Property Maintenance Declaration

The LPA shall require every owner of an assisted property, including life tenants, and their remainderman, to execute a PMD, in the form provided by the Corporation, to be filed in the County Clerk's Office for the county in which the assisted property is located. If a PMD cannot be filed with the County Clerk's office due to local policies, an OCR approved method must be used to secure public funds and ensure compliance. OCR retains the right to require an updated PMD if more than one hundred and twenty (120) days have elapsed between signing and the completion of the project.

The PMD shall be based on the estimated program hard costs of construction only. The LPA should complete the PMD, using the in-house estimated amount, at the beginning of the process.

- If the final hard costs **are less than** the estimated costs, the LPA must have the homeowner re-sign and notarize with the reduced amount as an amended PMD.
- If the actual project cost **exceeds** the estimated amount, an amended PMD is not required, and repayment would be based on the lesser amount.

The regulatory term ends three (3) years from the date the original PMD was signed and notarized.

The PMD must be filed immediately upon completion of program activities and after final sign off by the participant, the contractor and LPA stating that all work has been completed to satisfaction and documented to meet NYS and/or Local Code. In the event of an irreconcilable dispute between the participant and contractor, the LPA must document that its Dispute Resolution Plan was followed, and evaluative measures were taken to substantiate the project being satisfactorily completed prior to filing the PMD. The LPA then has discretion to file the PMD at the time it determines improvements to be complete.

The PMD 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.

The regulatory period must be calculated from the date that the PMD is executed, which is located in the top portion of the PMD. The LPA must use this date to calculate the termination date specified within the Declaration form.

Within the three (3) year regulatory period, the home may not be sold, moved, leased, demolished, or materially altered, without the prior written consent of the LPA. If there is more than one Owner each will be held separately liable, and will include their heirs, administrators, successors and permitted assignees. 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 the death of the Owner, the amount of Grant Assistance or the PMD is otherwise breached, the Access to Home funds must be repaid on a pro-rated basis over the three years, as outlined:

Months 0-12:	100% Repayment Due
Months 13-24:	67% Repayment Due
Months 25-36:	34% Repayment Due
After the 36 th Month:	0% Repayment Due

C. Subordination of the PMD

A property owner who received Access to Home Program funds may request an agreement to subordinate the PMD for the purposes of refinancing their existing mortgage during the residency requirement period. The request must be approved by the LPA and then forwarded by the LPA to OCR for review.

The LPA request must contain the following information:

- LPA name and 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.

OCR may approve refinances only under the following limited circumstances:

- Lower interest rate (no cash-out permitted) on a first mortgage,
- Pay for major home renovation,
- Pay for major medical expenses,
- Death and burial of elderly spouse,
- Pay for educational expenses.

Conditions for all circumstances 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.

D. Waiver from Filing the PMD

A participant whose building received Access to Home Program funds may request a waiver to filing the PMD. Generally, waivers are issued where a lien is prohibited by state or federal rule, or where enforcement or repayment is not feasible.

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 and SHARS ID,
- 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 PMD).

Upon receipt of the written request, OCR staff will review and make a determination 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 will be required to sign the Property Maintenance Declaration, but the signed document will not be filed with the County. The LPA must maintain the PMD 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.

CONTRACT CLOSEOUT, MONITORING, & COMPLIANCE

I. Contract Closeout & Extensions

The LPA must submit all required Access to Home Program documents, including final disbursement requests, to OCR staff prior to the end of the Grant Agreement period of performance.

A. Contract Closeout

Upon completion of the contract, the LPA will receive a Closeout Notification Letter from OCR staff. The Closeout Notification Letter will identify each unit assisted with Access to Home Program funds under this contract and will also state the LPA did or did not expend all Access to Home Program funds. If all funds were not expended by the contract end date, the Closeout Notification Letter will state the balance of Access to Home Program funds to be de-obligated by OCR. The LPA must review and, if the LPA concurs, sign the Closeout Notification letter, and return it to OCR staff.

If the LPA disagrees with the units assisted or amount of funds de-obligated the LPA should immediately contact OCR staff to resolve the dispute. Once the signed Closeout Notification Letter is received, a Closeout Complete Letter is issued to the LPA and the contract is formally closed.

B. Contract Extensions

All contract activities, including site work, reimbursement requests, and completion/closeout paperwork must be completed and submitted prior to the Grant Agreement deadline. If additional time beyond the Grant Agreement term is needed, a formal request must be submitted to the Project Manager and contain the following:

- Written request on LPAs letterhead,
- Status of all current Project Setups,
- Explanation for the need for additional time and items to be completed,
- Amount of additional time requested.

OCR staff will review the request and provide feedback on a case-by-case basis.

II. Monitoring & Record Retention

A. Compliance Monitoring

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

OCR reserves the right to require files to be submitted for desk reviews, or to conduct onsite reviews. The review of files can include though is not limited to:

- Completed Project File Checklist,
- Participant application (documentation of eligibility),
- Household Size & income eligibility verification (SSI, pay stubs),
- Verification of homeowner's insurance,
- Verification of current taxes,
- Pre-construction Inspection,
- Service Provider/Referral Agreement(s),
- Work write-up/specifications,
- Lead-Based Paint (LBP), if pre-1978: -- disclosure, Renovator use, clearance,
- Cost estimate,
- Contractor bid package/proposals,
- Construction Documents (contract, insurance, permits, affidavit/waivers of lien),

- Contractor invoice(s)/vouchers,
- Evidence of proof of payment to the contractor,
- Access to Home Program Project Detail Sheet,
- Pictures (front elevation, before & after),
- Property Maintenance Declaration (PMD).

Project files may be subject to examination at any time by OCR whether as part of a scheduled site visit, desk audit, or any other Access to Home Program review.

1. Technical Assistance

OCR offers several opportunities for technical assistance at the beginning of the Grant Agreement Term. A New User Webinar, a program specific Implementation Webinar, and an Onboarding Webinar for new awardees are offered annually.

These webinars are an opportunity for new recipients to become familiar with day-to-day management and program oversight responsibilities, and previous recipients to learn about administrative changes.

Additional supplemental webinars may be offered. LPAs may also request an individual technical assistance session with OCR staff at any time during the Grant Agreement by emailing the assigned Project Manager.

B. Compliance Findings

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

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

Any LPA that is in non-compliance will be placed in default. OCR will issue a default letter within 10 calendar days after the company is found to be in non-compliance.

The LPA will normally have 30 calendar days to cure the default. OCR reserves the right to authorize other cure periods as deemed appropriate.

If the LPA submits the information within the cure period, the default will not be released until the Program Director has reviewed the submission in consultation with OCR President and determined that the default has been resolved.

If the LPA fails to submit the information within the cure period or submits an incomplete or unsatisfactory reply to the default, OCR will terminate the Grant Agreement. Termination of the Grant Agreement may include recapture and/or deobligation of program funds.

1. Recapture of Funds

OCR may recapture and/or deobligate funds from the LPA for a violation of program rules, because of a program default, or in the event of a terminated Grant 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 staff may require the LPA to recapture funds for program violations including, but not limited to:

- Excess project costs and/or improper use of project cost funds,

- Change in residency of homeowners assisted with Access to Home Program funds,
- Providing repairs not eligible for Access to Home Program funding,
- Failure to meet project timelines,
- Failure to submit reports or other required documents to OCR staff in a timely fashion,
- Improper or inadequate documentation of projects,
- Inadequate records retention for the full five years,
- Failure to adequately monitor residency requirements for the three-year regulatory period.

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

Funds must be returned with the HTFC HCR Returned Funds Coversheet and a brief letter explaining the purpose including program name, SHARS ID Number, and the participant's name and address. The HTFC HCR Returned Funds Coversheet is available on the HCR website here: <https://hcr.ny.gov/access-home#forms-&-documents>.