

**TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY
CHAPTER 55 HOME INVESTMENT PARTNERSHIP PROGRAM RULES**

SUBCHAPTER 1. GENERAL PROVISIONS

330:55-1-1. Purpose

The intent of the Home Investment Partnerships Program (HOME) Program is to strengthen public private partnerships and increase the supply of decent, safe, sanitary, and affordable housing opportunities, for low-income and very low-income persons.

330:55-1-2. Authority

The HOME Program is authorized by the Cranston-Gonzalez National Affordable Housing Act (Title II, Pub. L. 101-625,42 U.S.C., 12701-12839). The Oklahoma Housing Finance Agency (OHFA) has been designated as the State Participating Jurisdiction for the State of Oklahoma for purposes of administering the State's HOME Program.

330:55-1-3. Scope

(a) During each Program Year, financial assistance will be made available to eligible units of local government, non-profit organizations and other eligible entities for the purpose of implementing specific activities that further the stated purpose of the HOME Program.

(b) Eligible units of local government are incorporated cities/towns and counties that are not designated Participating Jurisdictions in the HOME Program. Eligible non-profit organizations are Community Action Agencies and those entities which have been officially acknowledged by OHFA as Community Housing Development Organizations (CHDOs) pursuant to CFR Part 92.2, and other nonprofit housing development organizations.

(c) Under certain circumstances, for-profit housing developers may be permitted to utilize HOME Program Funds as set forth in the Action Plan and/or the Annual HOME Program Application Packet. However, OHFA reserves the right to restrict for-profit developers from the use of some or all of OHFA's annual allocation of HOME Program funds as OHFA deems in the best interest of the State of Oklahoma.

330:55-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional capitalized terms used in this Chapter 55 Rules are defined in the Act. When a conflict exists

between the following definitions and the Act, the Act shall control.

"Act" means the Cranston-Gonzalez National Affordable Housing Act (Title II, Pub. L. 101-625, 42 U.S.C., 12701-12839).

"Action Plan" means the State's Annual Program Description for the Administration of HOME Funds received by the State. The Action Plan is included in the Consolidated Plan and must be reviewed and approved by HUD.

"Annual Home Program Application Packet" means the packet of instructions and forms necessary to apply for an award of HOME Program funds. The Annual Home Program Application Packet will be updated annually for each successive Program Year. Notice will be provided to the public of any proposed changes and the public will have the opportunity to comment on said changes prior to their implementation.

"Annual Program Description" means the federally required program document stating the HOME Program objectives and method of distribution of HOME Program Funds (including Program Income and recaptured funds). The Annual Program Description, as set forth in the annual Action Plan, must be reviewed by OHFA annually, included in the State's Consolidated Plan, and submitted to HUD for review.

"Applicant" means any eligible entity that applies for an award of HOME Program funds through OHFA.

"Awardee" means any eligible entity receiving an award of HOME Program funds through OHFA.

"CHDO" means a Community Housing Development Organization. To qualify as a CHDO an entity must be a private, nonprofit organization that meets the qualifications prescribed in the HOME Program Regulations at 24 CFR Part 92.2.

"Consolidated Plan" means a plan prepared in accordance with the requirements of 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including the HOME Program.

"Final Rule" means the Final Regulations at 24 CFR, Part 92, as amended.

"HOME Funds" means all appropriations for the HOME Program, plus all repayments and interest or other returns on the investment of these funds.

"HOME Program" means the HOME Investment Partnerships Program.

"HOME Program Regulations" means the regulations at 24 CFR Part 92.

"HUD" means the United States Department of Housing and Urban Development.

"**IDIS**" means HUD's Integrated Disbursement and Information System. As a nationwide database, IDIS provides HUD with current information regarding the program activities underway across the nation, including funding data. HUD uses this information to report to Congress and to monitor grantees. IDIS is the draw down and reporting system for the HOME Program and other Community Planning and Development formula grant programs.

"**Implementation Manual**" means the HOME Program Implementation Manual as set forth in these rules.

"**Low-income Households**" mean households whose annual household incomes do not exceed eighty percent (80%) of the median household income for the area, as determined by HUD, with adjustments for household size.

"**OHFA**" means the Oklahoma Housing Finance Agency. OHFA has been designated by the Governor to administer the State's HOME Program on behalf of the State of Oklahoma.

"**Participating Jurisdiction**" means any state or local government or consortium that has been designated by HUD to administer a HOME Program. HUD designation as a Participating Jurisdiction occurs if a state or local government meets the funding thresholds, notifies HUD that they intend to participate in the program and has a HUD-approved Consolidated Plan.

"**Period of Affordability**" means the time period, mandated by the HOME Program Final Rule during which any housing assisted by HOME Program funds is subject to the rent and income restrictions and occupancy requirements as set forth in the HOME Program Final Rule.

"**Program Income**" means gross income received by OHFA, a State recipient or a Sub-recipient directly generated from the use of HOME funds or matching contributions, as further defined in 24 CFR Part 92.2.

"**Program Year**" means the period selected by the Participating Jurisdiction in which it shall administer its formula allocation for the Home Investment Partnerships Program, which for the State of Oklahoma HOME Program runs from April 1 through March 31 of each calendar year.

"**Project**" means a site or sites, together with any building or buildings that are to be assisted with HOME Funds as a single undertaking.

"**State**" means the State of Oklahoma.

"**State Recipient**" means any unit of local government designated by a state to receive HOME Funds. The state is responsible for ensuring that HOME funds allocated to state recipients are used in accordance with the HOME regulations at 24 CFR Part 92 and other applicable laws.

"**Subrecipient**" means a public agency or nonprofit organization selected by a Participating Jurisdiction to administer all or a portion of the Participating Jurisdiction's HOME Program. Subrecipients run programs, not projects, and therefore a public agency or nonprofit organization awarded funds for a single project is not a subrecipient.

"**Very-low-income Households**" means households whose annual incomes do not exceed 50% of the median household income for the area, as determined by HUD, with adjustments for household size.

"**Written Agreement**" means the contract between OHFA, as the Participating Jurisdiction, and an Awardee of HOME funds, setting forth the terms and conditions that must be met by the Awardee to satisfactorily complete a HOME Program Project and comply with the HOME Program Final Rule.

330:55-1-5. National standards incorporated by reference

(a) The national standards for development of the Annual Program Description are hereby incorporated by reference. The standards are codified at 42 U.S.C. 12701-12839; and in the regulations promulgated thereunder by HUD to implement the HOME Program, as amended, published at 24 CFR Part 92 Sections 92.1 et seq.

(b) Copies of these federal laws and regulations may be obtained from OHFA, during regular business hours Monday through Friday 8:00 a.m. to 4:45 p.m., excluding legal holidays.

330:55-1-6. Implementation Manual

(a) Awardees must enter into a Written Agreement with OHFA containing all requirements of the Final Rule. OHFA shall make available to each Awardee a HOME Program Implementation Manual. All or part of the Implementation Manual may be made available in the form of electronic documents if deemed appropriate by OHFA.

(b) Requirements, procedures, and processes provided in the HOME Program Implementation Manual, and amendments to same shall apply to all HOME Program funded Projects.

330:55-1-7. Technical assistance

OHFA shall designate staff members who shall be available to provide general HOME Program technical assistance regarding proposed Project concepts and HOME Program implementation.

SUBCHAPTER 3. FUNDS

330:55-3-1. Funds distribution

(a) HOME Funds allocated annually to the State by HUD shall be awarded to eligible Applicants through a formal application

process. Submission requirements for Project applications will be developed annually by OHFA in connection with the Annual Program Description and described in the Annual HOME Program Application Packet.

(b) HOME Funds will be awarded according to the Act, federal regulations and guidelines, the Annual Program Description, and the Annual HOME Program Application Packet.

(c) The Annual Program Description and the Annual HOME Program Application Packet shall be made available to eligible Applicants and interested parties upon request. The Annual HOME Program Application Packet will also be available on OHFA's website, www.ohfa.org. Requests for the Annual Program Description and/or application packets should be directed to OHFA HOME Program Staff.

330:55-3-2. Funding activities

(a) The annual allocation of HOME Program Funds made available to the State by HUD shall be divided into various eligible program activities. The amount of the annual State allocation devoted to each eligible activity will be determined by HUD and OHFA and will be set out in the Annual Program Description.

(b) Administrative funds will be used to support overall HOME Program delivery and operation activities.

330:55-3-3. Geographic allocation of funds

OHFA will make awards of HOME Program Funds throughout the State. OHFA will not award HOME funding to entitlement cities that receive their own annual allocation of HOME Program funds.

SUBCHAPTER 5. PROJECT APPLICATION AND SELECTION

330:55-5-1. Project applications

Eligible Applicants seeking HOME Program funding must submit a written application in the form prescribed in the Annual HOME Program Application Packet. All applications will be required to contain sufficient information to permit OHFA to conduct a review and assessment, and selection as described in the Annual HOME Program Application Packet and Annual Program Description.

330:55-5-2. Applicant selection

(a) For the purpose of selecting HOME Applicants for funding award, OHFA shall annually develop selection criteria, which conform to the program objectives and method of distribution described in The Annual Program Description.

(b) The criteria will be set forth in the Annual HOME Program Application Packet. The public will be informed of any proposed changes in the criteria and will have the opportunity to provide verbal and/or written comment on any changes prior to their implementation.

SUBCHAPTER 7. PROGRAM ADMINISTRATION

330:55-7-1. Program Income

(a) OHFA and all recipients of HOME funds shall comply with all federal regulations regarding Program Income.

(b) OHFA may restrict the use of Program Income as set forth in the Annual Program Description and/or the Annual HOME Program Application Packet.

330:55-7-2. Program violations

Violations of HOME Program policies and procedures include but are not limited to the following:

- (1) The filing of false information in an application and/or Project report;
- (2) Failure of an Awardee to meet requirements of a federal statute, federal regulation, or these Title 330 Chapter 55 rules;
- (3) Deviation from the Written Agreement;
- (4) Notice by OHFA that significant corrective actions are necessary to protect the integrity of the Project funds, and that these corrective actions are not or cannot be effected within a reasonable time, in the judgment of OHFA staff;
- (5) An administrative or judicial determination that the Awardee has committed fraud, waste, or mismanagement in any current or prior State or federally funded project.

330:55-7-3. Corrective and remedial actions

(a) Under any of the circumstances previously described as violations during the application stage or Written Agreement execution, the actions OHFA may take include but are not limited to the following:

- (1) Condition Written Agreements;
- (2) Withhold funds;
- (3) Reduce the total amount of the HOME Program award;
- (4) Require the return of unexpended funds;
- (5) Cancel a Written Agreement and recover all funds expended in an ineligible manner prior to the date of notice of cancellation;

(6) Deny future HOME Program applications and participation in the HOME Program for a specified period of time as determined by OHFA.

(7) Indefinitely suspend from HOME Program participation.

(8) Notify HUD of violation of HOME Program policies and procedures.

(b) Additionally, OHFA reserves the right under circumstances of possible HOME Program violations to request any and all information necessary to fully determine the extent of any possible violations of federal law, contractual terms and/or rules and regulations pertaining to the HOME Program including but not limited to the following:

(1) The administrative, planning, budgeting, management and evaluation functions, actions being taken to correct or remove the cause of the HOME Program violation(s);

(2) Any activities undertaken that were not in conformance with the approved HOME Program or application process or that are in non-compliance with applicable laws or regulations;

(3) The Awardee's capacity to carry out the approved or proposed Project in a timely manner; and,

(4) Progress schedules for completing approved or proposed activities.

330:55-7-4. Awardee responsibilities

Including but not limited to the following, an Awardee under the HOME Program shall be responsible for:

(1) Taking all action necessary to enforce the terms of the Written Agreement against any private or public participant that fails to comply with applicable provisions of the Written Agreement or any subcontract or documents resulting from it, and to recover on behalf of OHFA, any liabilities that may arise as a result of a breach of the Written Agreement by any participant. Nothing in this subsection shall restrict OHFA's right to independently enforce the terms of any Written Agreement or any subcontracts or documents resulting from it, or to recover any sums that may become due as the result of a breach of such Written Agreements or subcontracts.

(2) Complying with all State and federal regulations, guidelines, circulars and notices as set forth in the Final Rule, these HOME Program Rules, the Action Plan, the Annual HOME Program Application Packet, the Written Agreement between the Awardee and OHFA and/or the HOME Program Implementation Manual, as well as any other guidance which may be released by HUD or OHFA from time to time.

(3) Maintaining records and accounts, including, but not limited to, property, personnel, and financial records that properly document and account for all Project funds. OHFA may require specific types and forms of records. All such records and accounts shall be made available upon request by OHFA for the purpose of inspection and use in carrying out its responsibilities for administration of the funds.

(4) OHFA may require the Awardee to provide special narrative and financial reports related to the elements of a Written Agreement in the forms and at such times as may be necessary or required by OHFA.

(5) Retaining all books, documents, papers, records, and other materials involving all activities and transactions related to its Written Agreement for at least three (3) years beyond the ending date of the Period of Affordability as specified in the Written Agreement and/or as mandated by the HOME Program Regulations. Awardee shall, as often as deemed necessary by OHFA, permit authorized representatives of OHFA, HUD, and the Comptroller General to have full access to and the right to fully examine all such materials. Records may be maintained electronically if permitted by HUD.

(6) Promptly returning to OHFA, any funds received under its Written Agreement that are not obligated as of the final date of the Written Agreement time period. Funds shall be obligated only if goods and services have been received as of the final date of the Written Agreement time period.

(7) Complying with OHFA's audit policy including the single Audit Act of 1984 (P.L. 98-502, 31 U.S.C., 7501 et seq.), as applicable to the Awardee or as mandated by OHFA.

(8) Providing OHFA timely copies of reports on any audits that include funds received from OHFA.

(A) Audits shall be performed by a by a licensed public accountant or public accounting firm or a certified public accountant or certified public accounting firm.

(B) The audit shall be performed in accordance with Government Auditing Standards; Compliance Supplement for Single Audits or State and Local Governments; generally accepted auditing standards established by the American Institute of Certified Public Accountants; and OHFA.

(9) Complying with all applicable federal requirements.

330:55-7-5. Review and appeals process

(a) Applicants for HOME Program funding awards may review their applications and OHFA's application review documents any time after OHFA Staff has publicly released its funding recommendations. Written notice must be given to OHFA, and OHFA will have at least three (3) working days to grant any such requests for review. Written notice may be in electronic form.

(b) OHFA's Board of Trustees makes the final decisions regarding awards of HOME Program funds. Therefore, appeals of the funding recommendations of OHFA Staff must be made at the Board of Trustees meeting at which the applications are considered. Appeals cannot introduce new documentation that was not included with the original application for funds.

(c) The OHFA Board of Trustees will consider the Application, OHFA Staff's recommendations, the presentation of the Applicant, these HOME Program Rules (OAC 330:55), the Consolidated Plan, the HOME Program Description for the applicable Program Year, and the application process for the applicable Program Year for HOME funds. The procedures set forth in OAC 330:1 and Article II of the Oklahoma Administrative Procedures Act, 75 O.S., Sections 309, *et seq.* (the "OAPA") will be followed. The meeting will be considered an individual proceeding under the OAPA and the decision of the OHFA Board of Trustees will constitute a Final Order. No further appeals will be considered.

(d) The public may appear at any OHFA Board of Trustees meeting to speak on behalf of or in opposition to an award of HOME funds. Presentations by members of the public are subject to the limitations of time and scope imposed by the OHFA Board of Trustees pursuant to the procedures set forth in paragraph (c) above.