

**City of Benkelman CDBG Owner Occupied Rehabilitation (OOR)**  
**Program Guidelines**  
**for 08-HO-3070; 11-HO-3032; 15-HO-33070; 17-HO-33084**  
**Approved September 18, 2017**  
**Amended February 19, 2018**

It is the intention of the City of Benkelman's Housing Rehabilitation Program to increase the supply of decent, safe and sanitary housing for low- to very low-income homeowners residing within the incorporated limits of Benkelman. Also to promote housing programs that prevent the spread of blight and its influence by providing assistance to those persons of the greatest need.

**PURPOSE**

- To increase the number of good, habitable dwelling units by improving existing housing.
- Improve the health and safety of living conditions in the City of Benkelman
- Improve the desirability of housing.
- To preserve and enhance housing stock for future generations.
- To discourage the abandonment or neglect of residential dwelling units.
- To promote continued homeownership.
- To increase local employment.

**1. EQUAL OPPORTUNITY AND FAIR HOUSING**

No person shall on the grounds of race, color, national origin, religion, sex, age, disability, familial status or sexual orientation be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity administered by the City of Benkelman and funded in whole or in part with Community Development Block Grant Funds. The City of Benkelman acknowledges it may not discriminate in its operation or in Project activities on the basis of age, religion, sex, race, color, national origin, disability, or familial status.

The City of Benkelman will comply with all provisions of the Americans With Disabilities Act (ADA) with respect to hiring, training, and employment practices, including reasonable accommodation of persons with disabilities in hiring, training, and employment practices; and in assuring access by persons with disabilities to facilities and services provided by the Recipient to the general public.

The City of Benkelman will comply with all federal and local laws applicable to the Project and applicable to the use of Trust Funds, including, but not limited to, the following:

- Civil Rights Act of 1964.
- Age Discrimination Act of 1975.
- Section 504 of the Rehabilitation Act of 1973.
- Architectural Barriers Act of 1968.
- The Equal Employment Opportunity Act.
- Civil Rights Act of 1968, as amended by the Fair Housing Amendments



Act of 1988.

- The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002).
- The Immigration Reform and Control Act of 1986.
- The Nebraska Fair Employment Practices Act.
- The Housing for Older Persons Act of 1995.
- Flood Disaster Protection Act of 1973.
- National Environmental Policy Act of 1969.
- National Historic Preservation Act of 1966.
- Lead-Based Paint Poisoning Prevention Act of 1971, the Residential Lead-Based Paint Hazard Reduction Act, and regulations at 24 C.F.R. Part 35.
- Clean Air and Federal Water Pollution Control Act, as amended.
- Fair Labor Standards Act of 1938, as amended.
- Contract Work Hours and Safety Standards Act.
- Section 3 of the Housing and Urban Development Act of 1968; and 24 C.F.R. Part 135.

## **2. AFFIRMATIVE FAIR HOUSING PLAN**

As recipient of funds in the Nebraska Department of Economic Development (DED) Community Development Block Grant program, The City of Benkelman must fulfill affirmative action requirements of federal fair housing laws. (P.L 90-284, as amended by L. 1988 P.L 100-430; and E.O. 11063).

Actions taken include but are not limited to:

- a) Material about fair housing, including Equal Housing Opportunity logos, posted in the City of Benkelman office.
- b) Brochures on display at the City of Benkelman office include the Equal Housing Opportunity logo and statement of non-discrimination. Brochures may be mailed upon request.
- c) The City of Benkelman Program Guidelines limit assistance to those under 80% area median income. Persons assisted with these funds for newly constructed housing, whether state and/or federal, will have incomes at or below the 80% of the area median income for the particular county where assistance is needed, as set forth by HUD.
- d) The City of Benkelman will continue to increase and further Fair Housing Awareness in the Benkelman area.
- e) In order to further fair housing in the Benkelman area, the City of Benkelman will create and display Fair Housing Brochures at the City of Benkelman offices. The brochures will include the contact information for the City of Benkelman Fair Housing representative.

## **3. TYPES OF ASSISTANCE**

- a) Home rehabilitation assistance for homeowners living within the incorporated limits of Benkelman.

- b) The rehabilitated home must be the principal residence of the homeowner.
- c) Rehabilitation work should focus on improving the home so it is safer and more energy efficient. Eligibility expenditures for bringing the structure up to DED's Minimum Standards for Rehabilitation include:
  - 1) Structural Repairs to:
    - foundation, sagging or rotten beams, joists, columns, stairs and porches
    - roofs and chimneys, floors
  - 2) Modernization of:
    - plumbing and plumbing fixtures, furnace and water heaters, lighting and wiring
  - 3) Energy Conservation and Weatherization:
    - insulation of ceilings and walls, repair or replacement of windows and doors
    - caulking and weather-stripping, installation of storm windows and doors
    - removal and installation of roof covering, painting or replacement of siding and trim
  - 4) General Interior Renewal and Modernization:
    - repair of walls, ceilings and floors, painting and paneling to remove lead paint hazards, making the home accessible

***All improvements must be physically attached to the property and permanent in nature.***

- a) The City of Benkelman will offer up to \$24,999 to those who qualify. Households who fall 80% and below AMI would qualify for a 100% forgivable loan with 10% of loan forgiven each year as long as home remains the primary residence for the next 10 years.
- b) Assistance will be in the form of a second mortgage, which will accrue 0% interest.
- c) Referrals for all appropriate applicants will be made to USDA Rural Development, the area weatherization program, as well as the Assistive Technology Partnership, to encourage partnering of funds for a common goal of assisting homeowners with rehabilitation requirements.
- d) Repayment Policy: OOR 0% interest loans will be forgiven over a 10-year affordability period with no monthly payments as long as the original owner occupies the home. If applicant is granted a forgivable loan the amount to be repaid will be prorated over the life of the loan. For example: 10% of the amount of the loan will be forgiven each year of the loan. After the 10-year term expires, if the original owner owns and occupies the property, the full amount of the loan is forgiven. If the property is sold, refinanced, or no longer the principal residence of the homeowner during the affordability period, the recapture funds will be collected and used by the City of Benkelman in accordance with Nebraska Department of Economic Development's recapture requirements. In the event an appraisal determines that insufficient equity exists in the home to meet the obligations of this program at the time of sale, the homeowner will pay the City of Benkelman 100% of any net proceeds received after the primary mortgage is satisfied and the City of Benkelman shall consider the loan paid in full. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.
- e) Hardship Provision: In the event of unforeseen hardship under the program the loan recipient may ask for a waiver for repayment and to provide necessary documentation in writing to the City of Benkelman to establish proof that this is necessary. The City of

Benkelman Council will review and make decision on the approval or denial of the waiver of repayment.

- f) The City of Benkelman reserves the right to make inspection of homes during the affordability period that have been assisted and will give proper notice.

#### **4. APPLICANT ELIGIBILITY:**

- a) The City of Benkelman will open a 30-day application period at which applications will be received from Benkelman residents.
- b) The City of Benkelman will continue with an open application period until the targeted number of qualified applicants is met.
- c) Meet LMI income guidelines as defined by HUD (gross income at or below 80% Area Median Income).
- d) Must provide proof of ownership with a property deed and title verification or other similar legal document. This will be verified with the county's Register of Deeds.
- e) Have no Conflict of Interest as defined in "Conflict of Interest" in this document.
- f) If you are currently under litigation with your home, or will begin litigation including your home, you will be ineligible for the program, until after the conclusion of the litigation.

#### **5. INCOME ELIGIBILITY:**

- a) Gross annual income will be determined using the HUD 24 CFR Part 5 Annual Income. The part 5 definition of annual income is the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.
- b) HUD's Technical Guide for Determining Income and Allowances for the HOME Program (Third Edition) serves as the resource for this step in the eligibility process.
- c) Income will be verified by third party verification forms.
- d) Applicant will receive a selection or non-selection letter by mail after gross annual income has been determined.
- e) If the number of persons in the household changes before the completion of the rehabilitation work, the household income will be re-evaluated.

#### **6. PROPERTY ELIGIBILITY:**

- a) Serve as the principal residence of the homeowner.
- b) Must be owner-occupied or will be at the completion of rehabilitation and the home must be within the incorporated limits of the City of Benkelman.
- c) Be permanently attached to a permanent foundation.
- d) Must be located where safe, sanitary and adequate water supplies and sewage disposal are currently available for use.
- e) Property shall be single –family dwelling units.
- f) Not be a mobile home.
- g) Bears label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards.

- h) Taxed as real property.
- i) Achieve clearance from the State Historic Preservation Officer.
- j) Properties within federally determined flood plains are not eligible for rehabilitation under this program.
- k) The City of Benkelman will not rehabilitate any property that is tenant-occupied.
- l) Must be feasible to meet NDED Rehabilitation Standards following rehabilitation.
- m) The Housing Specialist will make a determination of economic feasibility for each house under consideration by the Program. This includes consideration of issues/costs related to LBP. The housing specialist will create a cost estimate based on the initial inspection and LBP hazard. A home will be deemed infeasible if the amount of work needed to bring the home up to Nebraska Department of Economic Development Rehabilitation Standards totals more than the amount of assistance available per home in the program. For this program the allowable costs per home is \$24,999. If the home is deemed infeasible, the homeowner will receive written notification that the program will not be able to assist said home. The City of Benkelman will refer applicants to other organizations in order to partner and help leverage funds in order to assist the homeowner and bring the home up to NDED Rehabilitation Standards.
- n) Replacement housing for properties that are not economically feasible is not available through this program.
- o) Must carry hazard insurance and list the City of Benkelman as the secondary loss payee on the policy.
- p) Property taxes must be paid current.

#### **7. MAXIMUM AFTER-REHAB VALUE/SUBSIDY**

The maximum purchase price of any home using these NAHP funds under these guidelines will not allow the maximum after-rehab value to exceed 95 percent of the median purchase price for the area as defined by the NDED at

<http://opportunity.nebraska.gov/community/grants/documentslibrary-a-forms/cdbg-forms>. Assistance that does not exceed NAHTF maximum per unit subsidy will not include general administration in per unit costs. Subsidy limits can be found at <http://opportunity.nebraska.gov/community/grants/documentslibrary-a-forms/cdbg-forms>

#### **9. AFFORDABILITY PERIOD**

- a) The Affordability Period for the OOR assistance is 10 years from the date the CDBG rehabilitation funds are invested in the property.
- b) Renting the unit is not permitted. The unit must be Owner-Occupied for the affordability period.
- c) Homeowner(s) will sign a Deed of Trust, Promissory Note and Owner Occupancy Agreement to ensure the affordability period when project is completed. The City of Benkelman will file a Deed of Trust at the Dundy County Courthouse on all homes participating in the program and a related promissory note stipulating the amount owed in the event that the owner attempts to sell or rent the rehabilitated unit after completion of the project and prior to repayment of the loan.
- d) If the property is sold, refinanced, or no longer the principal residence of the homeowner during the affordability period, the recapture funds/program income will be collected and used by the City in accordance with Nebraska Department of Economic Development's recapture requirements. In the event that insufficient equity exists in the home to meet the obligations of this program at the time of sale, the homeowner will pay the City 100% of any net proceeds received after the primary mortgage is

satisfied and the City of Benkelman shall consider the loan paid in full. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.

- e) **Hardship Provision:** In the event of unforeseen hardship under the program the loan recipient may ask for a waiver for repayment and to provide necessary documentation in writing to the City of Benkelman to establish proof that this is necessary. The City of Benkelman Council will review and make decision on the approval or denial of the waiver of repayment.

The City of Benkelman reserves the right to refuse to subordinate the loan for funds received for housing rehabilitation to any loan not currently in a superior position. The City of Benkelman Board of Trustees will consider subordination purposes of refinancing an existing home mortgage; however this subordination would not be approved if funds to pay additional debt were included in the refinancing

#### **10. DISABLED HOUSING**

- a) If a person with a disability applies and is approved for funds, they will be referred to the Assistive Technology Partnership (402-471-0734) and other organizations for consulting and possible grants in building or rehabilitating a disabled accessible house.

#### **11. RETURN BENEFICIARIES**

Applicants who were beneficiaries of previous CDBG funds are eligible for additional assistance only if the rehabilitation needs fall into one of the following categories:

- Need threatens structural integrity of home.
- Need is to address an imminent health and safety threat.
- Need is related to accessibility.

Applications for return beneficiaries whose needs meet one or more of these 3 criteria will be considered once all other received applications have been processed and served to the extent allowable under these Program Guidelines. Owner-occupants, who satisfy current program requirements and move in to another eligible unit in the community, will be considered eligible for the program on a case-by case basis.

#### **12. REFERRALS / LEVERAGE**

In order to assist customers in their search for affordable housing, referrals are made to various partners who can leverage funds:

- USDA Rural Development: Direct or Guaranteed Loans, as a source of below market rate loans;
- Assistive Technology Partnership and the Nebraska Housing Developers Association: Home Ownership Program and Making Homes Accessible Program, as sources of rehabilitation and/or down payment assistance for households with a disability
- Mid Nebraska Community Action Partnership: Weatherization program

#### **13. CONFLICT OF INTEREST**

- a) No official, employee or agent of the City of Benkelman who exercises policy and/or performs decision-making functions or responsibilities in connection with the planning and/or implementation of the program shall directly or indirectly benefit from this program. This prohibition shall continue for one year after an individual's relationship with the program ends. Any other employee, officer, or board member may be eligible,

but will be treated without preference in the determination of the application accepted for funding. Enclosed with such an application shall be a statement of disclosure, which outlines any interest the applicant may have in the operation of the program.

- b) Employees, officers and agents cannot accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.
- c) A waiver process shall be available to allow for the previously identified ineligible persons to be eligible for participation in the program. The waiver process will consist of request for approval by the City of Benkelman City Council. Each person requesting a waiver must describe their need for participation in the program and, if approved, agree to disassociate themselves from any decision-making that directly affects them.
- d) Upon written request, the Department on a case-by-case basis may grant exceptions to the Conflict of Interest provisions only after the following have been completed: 1) Disclosed the full nature of the conflict and submitted proof that the disclosure has been made public. 2) Provided a legal opinion stating that there would be no violation of state or local law if the exception was granted.

#### **14. GRIEVANCE PROCEDURES**

Persons and/or families who believe that their application was not given fair consideration or that they have been discriminated against should give the reasons, in writing, to the City of Benkelman City Council within ten days of the decision. The City Council shall take the letter under consideration at the next regularly scheduled meeting and reply, in writing, to the complaint no later than five days following the meeting. If the homeowner is not satisfied with the response, a third party will be used to assess the situation and settle the dispute. Following review by the third party if the homeowner is still not satisfied they can contact the NDED office.

#### **15. APPLICATION SELECTION:**

Applications will be ranked on the level of household income with the lowest level of household income being ranked highest.

#### **16. APPLICATION PROCESS**

- a) Prospective applicant receives Program Guidelines from the grant administrator.
- b) Grant Administrator/Housing Specialist
  - Reviews the application and referrals for all appropriate applicants will be made to USDA Rural Development, the area weatherization program, as well as the Assistive Technology Partnership, to encourage partnering of funds for a common goal of assisting homeowners with rehabilitation requirements. Administrator will document dates that required application information was submitted to USDA, Weatherization and Assistive Technology Partnership. Documentation of approval or denial by these entities will be included in the file. (If no determination has been received from these entities within 45 days, then it will be deemed a denial and the application will move forward without the partnership of these entities if feasible).
  - Verification of income through bank statements, income tax returns, asset verification, employment pay stubs and employer verification, and any other steps deemed necessary to income qualify the applicant.
  - Other eligibility requirements will be confirmed through review of the property deed and title verification which determines ownership; dwelling insurance coverage and paid

property tax receipts. Administrator will also verify through the County Clerk's office any outstanding liens on the property.

- Conducts a thorough health and safety inspection of the home, as well as a rehab needs assessment. This will give a good indication of whether the house will be economically feasible for rehabilitation.
- Conducts LBP inspections/assessments on homes built prior to 1978.
- Written notification indicating next steps for applicant selected for the program will be mailed and/or a denial letter containing the reason for the denial will be sent to ineligible applicants. Ineligible clients will be automatically reconsidered during the next review period, if appropriate.

### **17. PRIORITY RANKING**

- a) Applications will be date stamped when received in the City Of Benkelman or SWNCBC office.
- b) After the 30 day application period all applicants will be income qualified and priority ranked lowest income to highest income until the target number of homes has been met.
- c) Income-eligible applications will be approved on a first-ready, first-served basis. An applicant is considered ready when all required documentation has been received by the Housing/Grant Administrator. In the event of a tie between eligible ready applicants, the lowest income will be ranked as the highest priority.
- d) All applications will be submitted anonymously for approval by the City Council.

### **18. WAITING LIST**

A waiting list will be continually maintained for those requesting owner occupied rehabilitation assistance when no funds are available in the event funds become available in the future.

### **19. CONSTRUCTION STANDARDS**

All homes and structures sold, constructed or transferred under this program shall be subject to the current building and zoning standards and ordinances of the city and county in which they are sold, constructed or transferred and any construction standards or codes adopted hereafter and shall meet or exceed the NDED Rehabilitation Standards. It shall be the intent of all concerned to build or rehabilitate a home that incorporates current building standards and methods of energy efficiency.

### **20. CONTRACTOR SELECTION AND CONSTRUCTION MANAGEMENT**

- a) During the rehabilitation period, the grant administrator/housing specialist is responsible and accountable for the rehabilitation process and management, including
  - cross checking with the Nebraska Debarred Contractor List
  - registered with the Nebraska Department of Labor
  - reasonableness, quality and cost of the rehabilitation work
  - assuring timely contractor payments
  - project inspections
  - contractors must be appropriately trained and provide documentation demonstrating such
- b) Contractor selection is done by the grant administrator and/or the owner(s). Selection is based on availability, capacity, reputation, price, timeliness, willingness, and



- reasonableness. All contractors and their employees must complete a Lead Safe Work Practices (LSWP) course and provide a notice of completion to the grant administrator office prior to awarding any job. The only exception to this requirement is if the employer is a Lead Abatement Supervisor. Contractor payments will be made in a timely manner following approval of work, receipt of invoice for payment signed off by homeowner and required federal ID number, certificate of insurance and license number (if required).
- c) The City will keep \$500 back from contractors until the project achieves lead-based paint (LBP) clearance.
  - d) The City will pay for the first LBP Clearance with CDBG funds, if the home does not pass clearance it will be the contractor's responsibility to pay for the subsequent clearance test(s) until the home reaches clearance.

## **21. REHABILITATION PROCESS**

- a) The grant administrator's Housing Rehabilitation Specialist will conduct a thorough safety inspection of the home, as well as a rehab needs assessment. The Housing Rehabilitation Specialist will complete a work write-up, incorporating rehab issues.
- b) During the initial inspection of a house, a list of rehab requirements is used to assure compliance with NDED Rehabilitation Standards and HUD lead paint hazard control requirements.
- c) The applicant will attempt to solicit more than one bid from contractors. The Housing Specialist will document the number of bids received in the file. For work involving LBP, the contractors must be appropriately trained, and provide documentation demonstrating such training. The applicant will forward all bids to project administrator to review prior to selection of the contractor. The project administrator will alert the applicant to any red flags or concerns regarding the bids, and then the applicant will make his/her final selection.
- d) Contractors and Homeowners will be required to attend a Pre-Construction Conference conducted by the project administrator.
- e) Contractors and homeowner(s), will sign a Development Plan and a Contractor's Agreement.
- f) The project administrator will send a Notice to Proceed letter to the contractor(s).
- g) The project administrator's staff and the homeowner(s) work closely during the actual rehabilitation to ensure quality of work and reasonable costs.
- h) Contractors will submit invoices to the City of Benkelman. The Housing Specialist will conduct progress inspections as needed and final inspection to insure all repairs have been completed according to project specifications before final payment is made. All invoices will be signed off on by the homeowner to ensure their satisfaction of the work completed before payment is made to the contractor.
- i) Any concerns about the performance of the contractor should be presented to the project administrator as soon as they arise so they may assist in the mediating and resolving the issue.
- j) The project administrator should be notified of any changes in the work so that the Housing Specialist can determine the eligibility of the new plans, as well as funds availability, and issue a change order if needed.
- k) For those homes that require Clearance Testing due to lead-based paint, this testing will be performed in compliance with HUD's regulations.

- l) A final sign off will be signed by the homeowner and contractor once the work and the Clearance have been completed and final payment will be made to the contractor.
- m) The cashed checks will be considered the waiver of lien from each contractor.
- n) All units assisted with CDBG funds must meet NDED Rehabilitation Standards upon completion of rehabilitation.

## **22. LEAD BASED PAINT PROCEDURES**

The grant administrator will determine LBP issues for homes participating in the OOR program on a case-by-case basis. If rehabilitation is under \$5,000, the grant administrator will achieve clearance. The grant administrator may assume lead in homes, it will be determined at the visual assessment. For rehabilitation over \$5,000, the grant administrator will have an assessment, obtain an inspection and achieve clearance. These regulations address those properties built prior to 1978. The City of Benkelman prohibits the use of Lead Based Paint in the home or on the exterior of the home. The City will comply with HUD's lead-based paint regulation requirements as well as DED rehabilitation standards. Title IV of the Lead-Based Paint Poisoning Prevention Act and regulations at 24 C.F.R. Part 35 provides specific circumstances in which additional procedures and trained professionals are required in order to ensure there are no lead-based paint hazards remaining after or created by the rehab activity.

## **23. RELOCATION**

- a) The OOR program is a volunteer program; therefore the City of Benkelman will not be responsible for any relocation costs during the rehabilitation process. Any temporary relocation of owner-occupants required as a result of the rehab work funded through the OOR program will be the responsibility of the homeowner.
- b) In cases where either voluntary or involuntary acquisition is anticipated DED will be contacted prior to any action.

## **24. PROPERTY**

- a) All properties being rehabilitated with CDBG funding shall be maintained in compliance with local ordinances.
- b) All properties must be in prime inspecting condition in order to conduct adequate inspections.
- c) The City will use a permission statement signed by the homeowner as a voluntary release and authorization for collecting photographs of the project, including before, after, indoor, outdoor and grounds photos for publication.

## **25. REPORTING PROCEDURES, RECORD KEEPING AND FOLLOW-UP**

- a) Files and records will be kept on all applications and clients. These records will be under the custody and control of the City of Benkelman. Since these files contain confidential information which is not public information, public access to these files is prohibited. The privacy of the applicants will be protected by restricting access to these files only to persons acting pursuant to the program and this administrative plan under the auspices of the City of Benkelman.
- b) These files will be available for review and audit by NDED and will be made available to parties responsible for compliance to the extent necessary to verify activities and performance.

## **26. AFFORDABLE HOUSING PROGRAM CLOSEOUT**

The program shall be closed out when:

- a) All funds to be closed out have been drawn down and expended for completed project

- costs or funds not drawn down and expended have been de-obligated by NDED.
- b) Matching requirements have been met.
- c) Appropriate project completion reports have been filed and an audit has been performed.

## **27. MARKETING STRATEGY**

Affirmative marketing procedures including, but not limited to, marketing to local or regional residents and tenants of public housing and manufactured housing, other families assisted by public housing agencies, and households identified to be potentially eligible but least likely to apply. Informational marketing for this program will be posted in various locations throughout the Village, including but not limited to the post offices, village offices, grocery stores, convenience stores and social community centers. Area media will be contacted and solicited for support via news stories, feature articles, community service announcements, etc.

## **28. APPLICABLE LAWS AND REGULATIONS**

The following laws and regulations shall be enforced in the implementation of this Affordable Housing Program of existing single-family homes (no new construction):

- a) Lead-Based Paint Poisoning Prevention Act (42 U.S.C 4831 et. seq.)
- b) HUD's Implementing Regulations (at 24 CFR Part 570)
- c) Title VIII of the Civil Rights Act of 1968 and any related rules and regulations
- d) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d Et. seq.
- e) HUD regulations issued there under, 24 CFR, subtitle A, Part 1
- f) HUD requirements pursuant to these regulations; and Executive order 11063, to the end that, in accordance with that Act, the regulations and requirements of HUD and Executive order 11063, no persons in the United States, shall on the ground of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Section 8 Existing Housing Program or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of HUD, 24 CFR, Subtitle A, Part 1, issued under Title VI of the Civil Rights Act Of 1964, and the HUD requirements pursuant to the regulations.
- g) Section 109 of the Housing and Community Development Act of 1974, which provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity funded in whole or in part with funds made available under this title.
- h) Age Discrimination Act Of 1975, as amended (42 U.S.C. 6101, et.seq.) which provides that no person will be excluded from participation, denied program benefits or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance.
- i) Section 504 of the Rehabilitation Act Of 1973, as amended (29 U.S.C. 794) which provide that no otherwise qualified individual will, solely by reason of his or her handicap, be excluded from participation (including employment), denied program benefits or subject to discrimination under any program or activity receiving federal assistance funds.
- j) Anti-Displacement Act
- k) Fair Housing Act
- l) Nebraska Energy Office requirements
- m) Newly constructed housing will meet 2009 or most current International Model Energy Code

- n) No officer, employee or agent of the City of Benkelman participating in the selection, the award, or the administration of this grant obtained a personal or financial interest or benefit from the activity or had an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. This stipulation must be included in all subcontracts to this contract. Upon written request, exceptions may be granted upon a case by case basis when it is determined that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. These exceptions are granted by DED.

### **29. GUIDELINE AMENDMENTS**

These Program Guidelines may be amended as appropriate by a majority vote of the City of Benkelman City Council with notice to and approval from the appropriate Nebraska Department of Economic Development Program Representative.

### **30. Program Income Reuse Plan (See Attachment A)**

These OOR Program Guidelines have been approved by the City of Benkelman City Council on September 18, 2017 and amended on February 19, 2018.



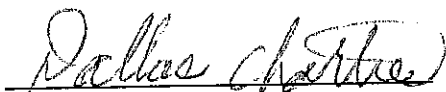
Dallas Chartier  
Mayor

## **PROGRAM INCOME/RECAPTURE/REUSE PLAN**

**08-HO-3070; 11-HO-3032; 15-HO-33070; 17-HO-33084**

- a) THE CITY OF BENKELMAN will use program income directly generated from the use of CDBG to further affordable housing programs eligible under the Nebraska Affordable Housing Act. Program Income funds are those funds returned to the CITY OF BENKELMAN when the property is sold or is no longer the initial homeowner's principle residence. Program Income funds will be utilized for the current project if the current project has not been completed. Program Income received will be applied to the current project prior to requesting additional CDBG funds.
- b) THE CITY OF BENKELMAN understands if program income is utilized for another housing related activity, other than for the same activity from the project which generated the program income, THE CITY OF BENKELMAN will be responsible for utilizing the appropriate Program Guidelines for the new eligible activity.
- c) Up to 10% of Program Income may be utilized for General Administration expenses.
- d) If resale provisions are utilized for the project, and program income is received, then the subsequent purchasers of each unit will be eligible homebuyers and the original homebuyer will receive a fair return on investment.
- e) THE CITY OF BENKELMAN will use recapture provisions and will not recapture more than the amount available from net proceeds. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.
- f) Hardship Provision: In the event of unforeseen hardship under the program the loan recipient may ask for a waiver for repayment and to provide necessary documentation in writing to the City of Benkelman to establish proof that this is necessary. The City of Benkelman Council will review and make decision on the approval or denial of the waiver of repayment.
- g) All program income will be returned to DED for reuse unless DED offers the option to THE CITY OF BENKELMAN to retain the program income or DED approves THE CITY OF BENKELMAN's Program Income Reuse Plan prior to receiving Release of Funds.

The Program Income/Recapture/Reuse Plan has been approved by The City of Benkelman City Council on September 18, 2017 and amended on February 19, 2018.



Dallas Chartier  
Mayor

Attachment A