



**LONGMONT
HOUSING & COMMUNITY
INVESTMENT**
A Division of Community Services

CDBG-DR

Temporary Rental Assistance Program

*For residents affected by the September
2013 flood*

Policies and Procedures

City of Longmont
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Introduction

On September 12, 2013 the City of Longmont experienced flooding along the St. Vrain River and Left Hand Creek. The immediate effects of this flood cut the City in two, forcing dozens of neighborhoods to evacuate totaling 7,000 homes along with commercial areas and business, the closing of major streets, the loss of power, and damaging or destroying over 10,000 homes throughout Boulder County.

These Program Guidelines provide the policies and standards for the management and operation of the City of Longmont Temporary Rental Assistance (TRA) Program, using Community Development Block Grant Disaster Recovery (CDBG-DR) Program funds. The Temporary Rental Assistance Program will be administered in conformance with the Uniform Relocation Act as described in Federal Register 78 FR 14329, published on March 5, 2013.

Program Description and Objectives

The City of Longmont's objectives in the administration of the Temporary Rental Assistance Program is to provide affordable, decent, safe, and sanitary housing to low and moderate-income households. The Temporary Rental Assistance Program is a **short- to medium-term rental assistance program** that provides assistance to eligible households who were displaced from their permanent homes as a direct result of the September 2013 flood. The Program is for households who:

- Have not found permanent housing after being displaced
- Are unable to occupy their residence while determining if their permanent home can be repaired or needs to be replaced
- Need temporary housing while their permanent residence is being repaired, reconstructed or constructed.

The **goal** of this Program is to provide moving and temporary rental assistance, not to exceed twenty-four (24) months, to displaced households.

Authority

The following document establishes the policies and procedures to be used to implement the City of Longmont CDBG-DR Temporary Rental Assistance Program.

Advisory Committee

The Longmont Housing and Human Services Advisory Board (Advisory Board) serves as the Advisory Board for the Program. There are nine (9) voting members who are volunteer representatives from the community-at-large.

The Advisory Board will assist in policy development and treatment of management issues. City of Longmont Housing and Community Investment division staff will, within these policies and procedures, review all routine grant applications and will take action on the applications. The Advisory Board will be informed at regular intervals of all routine applications which are approved by staff according to established guidelines. The Advisory Board will review all non-routine applications and recommend action on these applications.

The Advisory Board meets monthly and will review applications as needed, will recommend actions, and conduct other business pertaining to the Program in a timely and efficient manner. Five (5) voting members of the Advisory Board constitute a quorum for conducting business.

Whenever possible, decisions will be reached by consensus of members present. When consensus cannot be reached, a simple majority vote of members present will be necessary for action regarding a loan application. Telephone poll, written ballot, or use of fax or e-mail may be used to conduct loan committee business when it is not possible to schedule a loan committee meeting and when due to time constraints, decisions must be reached. All business conducted in this fashion must be reviewed at the next scheduled loan committee meeting.

Compliance with Appropriate Laws and Regulations

The City of Longmont is committed to helping applicants with temporary rental assistance. The City of Longmont's Temporary Rental Assistance Program will be operated in strict compliance with the appropriate laws and regulations governing State and Federal funds. These policies are intended to ensure that the Program will be compliant and in accordance with State and Federal fraud prevention requirements.

Duplication of Benefits

Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5155) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which he or she has received financial assistance under any other program or from insurance or any other source.

Record retention

Each Temporary Rental Assistance manager shall maintain all records related to products, transactions or services under this program for a period of five (5) years after the State grant is closed by HUD pursuant to 24 CFR 570.490(d).

English Proficiency

It is the City of Longmont's policy that applicants who do not have sufficient English language proficiency to represent themselves through the Temporary Rental Assistance Program process will be provided support to allow their participation in the Program.

Elderly and/or special needs

The Temporary Rental Assistance policies and procedures are designed to ensure that eligible elderly persons and persons with special needs are able to successfully participate in the Program.

Lead Based Paint

The Temporary Rental Assistance Program will comply with Federal and State requirements related to the prevention of lead-based paint poisoning and hazard mitigation and abatement.

Environmental

The National Environmental Protection Act (NEPA) requires Federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To fully consider the environmental consequences of a proposed action, the City of Longmont will conduct an environmental review. Temporary rental assistance is a categorically excluded activity not subject to 24 CFR 58.5. The environmental review will be conducted per 24 CFR 58.35(b). Each environmental review must also determine compliance with 24 CFR 58.6 to determine compliance with the National Flood Insurance Program (NFIP), Coastal Barrier Resource Act, and Runway Clear Zone.

A site specific environmental review will be conducted once an applicant's final eligibility for the Program has been determined and they have identified a property to rent.

Conflict of Interest

No member of the Longmont Housing and Human Services Advisory Board, nor any employee of the City of Longmont who exercises responsibilities with respect to the Temporary Rental Assistance Program participates in its decision-making processes, may obtain a personal or financial interest or benefit from this Program, or have any interest in any contract, subcontract, or agreement or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their employment or for one year thereafter.

Anti-Fraud compliance

1. Fraud Prevention: The City of Longmont will put in place internal fraud prevention methods to protect the grant funds from improper payments, intentional or unintentional. Below are some of the approaches that will be taken to address them;

 - Cooperation with Federal and State Monitors and HUD office of Inspector General: All City staff will provide cooperation to State and Federal monitors and inspectors. This means allowing access to Program related materials and providing support to the monitors or inspectors when requested.
 - Referral of Suspected Fraud: It is the affirmative responsibility of any City employee and any city staff that has reasonable suspicion that any form of Fraud is occurring, to notify the appropriate State or Federal agency or department. Notification of suspected fraud can be made to the Office of the State Auditor. Referrals should be based on a reasonable belief that a fraud has been committed.
 - Draw process: The CDBG/Affordable Housing Coordinator will review and approval all draw requests submitted by staff under the Temporary Rental Assistance Program. Requests for payments will be accompanied with all required back up documents and kept in the appropriate applicants file.

Nondiscrimination compliance

The City of Longmont will administer the Temporary Rental Assistance Program in a manner that will ensure consistent and fair treatment to all persons interested in Program participation. The City of Longmont will not discriminate at any stage of the application/participation process due to race, color, national origin, religion, creed, sex, age, familial status or disability. The City of Longmont is bound by the nondiscrimination requirements of Federal, State, and local laws and will abide by the nondiscrimination requirements of:

- A. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance;
- B. Title VII of the Civil Rights Act of 1966, which prohibits discrimination based on race, color, religion, national origin or sex in the sale, rental or advertising of housing;
- C. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in programs receiving Federal financial assistance;
- D. The Age Discrimination Act of 1975, which prohibits discrimination based on age in programs receiving Federal assistance; and
- E. Executive Order 11063, which requires HUD to take whatever action is necessary to prohibit discrimination based on race, color, national origin, religion (creed), or sex in housing receiving Federal assistance.

Program Administration

The City of Longmont's Division of Housing and Community Investment staff are responsible for accepting applications, determining eligibility and the length of time the rental assistance will be required, calculating award amounts, and providing advisory services to applicants throughout the Temporary Rental Assistance process.

Housing and Community Investment Division has staff to administer the Program, including the approval of temporary rental housing units and rents, conducting inspections to assure the rental property meets housing quality standards, authorizing and making payments for eligible program costs.

General Program Information

- Approved households are eligible to receive up to twenty-four (24) months of assistance through participation in this Program.
- Because households are informed that they may receive "up to" 24 months of assistance, assistance can be for shorter periods of time or cancelled at any time at the discretion of City of Longmont staff.
- Households will receive at least 60 days notification of termination of benefits in order to prevent undue hardship.
- Eligible expenses must be verified by a vendor /third party payee and are limited to the following:

- Rent
- Security deposits
- Utility deposits
- Moving expenses
- Housing Assistance payments will be paid directly to the Landlord on the first of every month.
- Moving expenses will be paid directly to the household.
- Rents may not exceed 110% of the Fair Market Rent for the County in which the housing unit is located. The State may approve rents exceeding 110% on a case-by-case basis.
- Security deposits may be paid up to a maximum of two months' rent for the unit.
- Utility deposits may be made in conjunction with temporary rental assistance. Utilities include those required for water/sewer, cooking, heating, lighting, and trash collection. Telephone, internet and cable/satellite TV are not considered utilities for this purpose.
- Each application is given careful, individual consideration, but the City of Longmont does not guarantee assistance to anyone.
- All awards are made, according to this policy, at the sole discretion of the City of Longmont staff.
- Should City of Longmont staff learn at any time that an applicant and/or a prospective landlord has behaved in a dishonest or fraudulent way during the application process in order to receive assistance or rental/deposit payments, assistance will be denied and funds will be required to be repaid to the City.
- CDBG-DR funds paid which result in a duplication of benefits already received or received after this assistance is provided will be required to be repaid to the City.

Maximum Award:

The maximum per-household dollar amount includes funds used both for actual rent payments and security deposit payments, utility deposit payments and moving expenses not to exceed \$20,000 per household.

The household's share of housing costs is calculated by formula. The household will pay 30% of its monthly adjusted income for total housing costs. Temporary Rental Assistance is available to eligible renter and homeowner households.

Homeowner households will have the amount of their mortgage payments factored into their monthly housing costs. Mobile home occupants who continue to have their lot payments while in temporary rental housing will also have the amount of their mobile home lot rent factored into their monthly housing costs. If the total housing costs surpass 30% of the household's adjusted gross income, the City will pay the household the difference.

Example

Gross monthly income	\$2000
30% of gross monthly income	\$667
Monthly mortgage payment	\$500

Total Tenant payment for housing costs	\$667 - \$500 = \$167
Assistance Calculation	
Monthly Rent	\$1000
Minus Tenant payment	\$167
Amount of Rental Assistance	\$833

Household Eligibility Criteria

Priorities

Homeowners and renters residing in Longmont during the September 2013 flood whose primary residence received direct flood damage and were determined by FEMA, a City Building Inspector or another approved 3rd party to be uninhabitable or unsafe will be eligible for the Program, with priority given to households that:

- were residing in mobile or manufactured housing at the time of the flood
- are elderly
- are disabled
- have gross annual incomes at or below 30% of Area Median Income (AMI)

Income Eligibility

Total household income must be less than 80% Area Median Income (AMI). Total household income will be calculated using 24 CFR Part 5, also known as the Section 8 income determination guidelines. For more information on income calculation, see the City of Longmont's **CDBG-DR Flood Recovery Housing Program Income Policy and Procedure**. If the rent assistance will be provided beyond 12 months, the household will be income certified for the second year of assistance one month prior to the one year anniversary of initial occupancy to assure income eligibility for continued program eligibility. If the household is determined to be over income the City will give a 30-day notice of termination of TRA award benefits.

The City of Longmont's Income Policy is attached (Attachment A).

Citizenship Requirements

Every member of the household be a citizen of the United States or be lawfully present in the Country. Before any assistance may be provided, residency documentation must be provided for every household member by completing a Declaration of Residency form (obtained from the City of Longmont Housing and Community Investment Division) or by providing appropriate documentation.

Duplication of Benefits (DOB)

The City of Longmont's TRA will comply with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5207) as amended, (Stafford Act). This act

prohibits any “person, business concern or other entity from receiving Federal assistance to the extent such assistance duplicates benefits available to the person for the same purpose from another source.

Any funds a household received or were made available to them for temporary rental assistance (this includes but is not limited to private insurance, FEMA, and SBA), must be accounted for when determining the housing assistance award amount. If the household spent funds intended for temporary rental assistance on anything other than temporary rental assistance, the homeowner will have a duplication of benefits (DOB) and will be required to escrow the money prior to signing the lease.

DOB under federal law must be deducted from the assistance to be provided unless receipts can be shown that funds were used for temporary rent and that all funds have been expended for this purpose.

If the applicant applied for and was offered an SBA loan but declined all or part of the loan, the amount of the loan for rental assistance, if declined, may be considered a duplication of benefits. The applicant must document the reason they declined the loan on the City of Longmont’s SBA Hardship Documentation form. The City, on a case by case basis, will make a determination whether the household qualifies for a hardship determination.

Demonstrable Hardship.

Demonstrable hardship is defined using its two component words:

- Demonstrable-proved or shown, by objective evidence (not subjective feelings).
- Hardship-an economic impact which is burdensome or very difficult to bear, causing economic distress well beyond mere inconvenience.
- A demonstrable hardship is a substantial change in an applicant’s financial situation that will prohibit or severely affect their ability to provide a minimal standard of living or the basic necessities of life including food, housing, clothing and transportation without causing economic distress well beyond mere inconvenience as shown by objective evidence. A demonstrable hardship must be occurring after the 2013 flood event. The term is not necessarily a definable term of fixed and inflexible content or meaning.
- The demonstrable hardship must be of a severe, involuntary and unexpected nature. It must not be one that is generally shared by other property owners affected by the 2013 flood event or within the disaster area. Examples of a demonstrable hardships may include job loss, failure of a business, divorce, severe medical illness, injury, death of a family member or spouse, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural disaster, etc. None of the listed examples above, individually or taken together, automatically establish a demonstrable hardship nor is the listing above exhaustive as there may be other factors relevant to the issue of demonstrable hardship in a particular case.

- The existence of a demonstrable hardship will be evaluated on a case-by- case basis after review of all of the circumstances. Whether there is a demonstrable hardship heavily depends upon the facts and circumstances.
- Persons claiming a Demonstrable Hardship shall be required to provide evidence of such claimed Demonstrable Hardship to the City of Longmont, for a decision. A written decision shall be made including the reasons therefor and returned to the person claiming the Demonstrable Hardship.

The City of Longmont's DOB Policy is attached (Appendix B)

The City of Longmont, Housing and Community Investment Division will monitor compliance with the agreement during the time the household is receiving TRA assistance, by contacting the various agencies as noted above/and or listed in the original DOB calculation.

Requirement to Notify TRA Program of Additional Assistance to Tenant

Any additional assistance received for the purpose of temporary rental assistance while the tenant is receiving CDBG-DR rental assistance must be subrogated to the City of Longmont. It is the responsibility of the tenant to report any such assistance to the TRA program at the time of receiving the additional funds. If the tenant is still receiving TRA assistance at the one year anniversary of assistance award, the tenant will be required to sign an Affidavit of No Additional Rental Assistance.

Upon notification of additional assistance, the City's TRA staff will recalculate continued assistance and/or possible repayment of CDBG-DR assistance. For example, the tenant has been approved for 12 months of rental assistance at \$500 per month for a total of \$6,000 during the eligibility period. Subsequent to the tenant receiving assistance, the tenant receives \$2,000 from a local charity to assist with rental assistance. If the additional assistance is received after the 12 month TRA assistance expires and the tenant is still displaced, the additional assistance will not be counted against the previous rental assistance. If the additional \$2,000 assistance is received after the 12 month TRA assistance expires and the tenant is no longer displaced, then the \$2,000 must be returned to the City as this is considered a DOB.

Eligible Temporary Housing Units

The applicant is limited to choosing units that do not exceed the Housing Payment Standards which are based on 90-110% of the Fair Market Rents developed by the Department of Housing and Urban Development. The City of Longmont will determine that the rent is reasonable in comparison to the rent charged for comparable, unassisted units in the area. The gross rent (contract rent plus utility allowance) cannot exceed the payment standard for the appropriate unit size.

Households do not have the choice of paying an amount higher than is required by the formula in order to rent a more expensive unit.

L: HCI/Policies & Procedures/CDBG-DR Temporary Rental Assistance Program

Households who receive assistance may choose from any housing unit as long as that unit is:

- Located in Longmont’s target area, which is within 30 miles of the City of Longmont city limits.
- Meets Section 8 Housing Quality Standards (HQS) including Lead Based Paint Standards and local housing codes.
- Rented for an amount that does not exceed 110% of the Fair Market Rent as determined by HUD for the County in which the housing unit is located.
- Privately or publicly owned but does not receive project based rental subsidies.

Fair Market Rent Limits for Boulder County

Final FY 2014 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FMR	\$820	\$952	\$1,178	\$1,736	\$2,062
110% FMR	\$902	\$1,047	\$1,296	\$1,910	\$2,268

The table below contains the Fair Market Rents starting January 1, 2015.

Final FY 2015 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FMR	\$857	\$996	\$1,232	\$1,815	\$2,157
110% FMR	\$942	\$1,096	\$1,997	\$2,197	\$2,373

The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four bedroom FMR, for each extra bedroom. For example, the FMR for a five bedroom unit is 1.15 times the four bedroom FMR, and the FMR for a six bedroom unit is 1.30 times the four bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero bedroom (efficiency) FMR.

If the unit is located outside to Boulder County jurisdiction, the FMR for that County will be used if different from the Boulder County rent limits.

Occupancy Standards:

- Two persons of the same sex can occupy a bedroom.
- Adults of the opposite sex, other than spouses, may not be required to share a room.
- Children of the opposite sex (if above the age of six) may not be required to share a

bedroom.

The occupancy standards will be used to determine the size of the unit for which the household qualifies. A participant may select a larger unit but the Fair Market Rent for the minimum sized unit for which the household qualifies is the maximum that will be paid. Participants may select a smaller unit if it does not violate local codes or pose a serious overcrowding problem. The rent amount for the housing unit will not exceed 110% of the Fair Market Rent according to the actual size of the unit.

Application Procedures

Income is used to classify households as either low to moderate-income (LMI) households or non-LMI households based upon income limits published by HUD. Eligible households must have incomes below 80% of the AMI.

1. Initial Contact: All inquiries about the City of Longmont's Temporary Rental Assistance will be handled by the Housing and Community Investment Division. Information on the Program is available at the Civic Center, 350 Kimbark St., Housing and Community Investment Division, or an information packet can be mailed to interested person by the City of Longmont. This information packet consists of:

- a) Application
- b) Program Information Forms and Brochure
- c) Documentation Requirement Form. Income will be verified according to prescribed Section 8 Income Certification processes
- d) Lead Based Paint Information
- e) Duplication of Benefit Statement

After 6 months all required documentation must be resubmitted for re-verification unless the applicant has signed a lease with an approved landlord.

2. Processing and Approval: The application will be reviewed and eligibility will be determined by City staff. Applicants must disclose all sources of income and financial assets for household member 18 years and older. The applicant must provide acceptable documentation to the City of Longmont. All household members must be able to provide proof of legal residency with documentation acceptable to HUD.

Qualified applicants will be sent:

- An introduction letter informing them of their preliminary approval for program assistance,
- The name and contact information for their case manager;

- Explanation of funding sources and restrictions; and
- A description of next steps.

Letters will be sent to those whose applications are denied with an explanation of their rejection and information for the appeals process.

Completed applications of income-eligible households will be prioritized on a monthly basis. Those households who were living in mobile/manufactured housing at the time of the flood, are elderly, and/or are disabled will be prioritized over other qualified households. Qualified households who are not in one of the three priority categories will have their application considered once priority applications have been considered and depending on available funding.

Appeals

All appeal requests related to the Temporary Rental Assurances Program will be processed and reviewed by the Housing and Community Investment division Manager. Within 30 days of the notice of program ineligibility an applicant may appeal the determination. Applicants who believe that a Program decision is incorrect and/or not in compliance with Program policies, may submit a written appeal. Each appeal will be reviewed against Program policies and requirements, and applicable local, state, and federal law. Upon completion of the review of the appeal and, if applicable, hearing the applicant's presentation of their appeal, the hearing officer will make a decision and respond to the applicant within 30 days of receiving the complaint.

The applicants may appeal the following decisions:

- Eligibility determination
- Total Tenant Payment calculation
- Denial of a rental property
- Termination of benefits

The City of Longmont's Appeal Policy is attached (Attachment C).

Household Rent Contributions:

The household's share of housing costs is calculated by formula. The household will pay 30% of its monthly adjusted income for total housing costs. Temporary Rental Assistance is available to eligible renter and homeowner households.

Homeowner households will have the amount of their mortgage payments factored into their monthly housing costs. Mobile home occupants who continue to have their lot payments while in temporary rental housing will also have the amount of their mobile home lot rent factored into their monthly housing costs. If the total housing costs surpass 30% of the household's adjusted gross income, the City will pay the household the difference. See the calculation Example in the Maximum Award Section found earlier in this Policy and Procedures document.

The Temporary Rental Assistance Program will apply a utility allowance for tenant paid utilities. The utility allowance will estimate the average cost of utilities for typical types of housing by unit size and for various utilities. The utility allowance will be added to the contract rent to establish the total housing cost. Utilities included in the schedule are those required for water/sewer, cooking, heating, lighting, and trash collection. Telephone, internet and cable/satellite TV are not considered utilities for this purpose. The total gross housing costs (including rent and allowable utility costs) cannot exceed 110% of the Fair Market rent for the

unit size and county the unit is located in.

Annual Reexaminations for Continued Eligibility

Eligibility for continued participation shall be determined once each year by the anniversary date of the initial occupancy. To be eligible for continued participation, the household must meet the same criteria established for initial acceptance into the Temporary Rental Assistance Program. Households who are ineligible for any reason will be notified in writing of such ineligibility and will be given a 60-day notice of award termination.

Once the rental subsidy is established, the subsidy shall remain in effect until the next scheduled reexamination or until circumstances occur that would warrant a rental adjustment. The participant will be required to report changes in family composition and gross income within 30 days of the change, which may affect the Total Tenant Payment (TTP). If a household's income has increased above the 80% AMI level at recertification, the Temporary Rental Assistance will be terminated, with a 60-day notice of award termination.

Approving Temporary Housing Units and Rents

City of Longmont staff will schedule initial inspections with landlords upon receiving the Rental Assistance Program Request for Unit Approval form from the program participant. Landlords will be told of the inspection findings in writing. If the landlord is not willing to make the unit ready for move-in, the participant will need to find another unit which meets the HQS requirements. Once a unit meets HQS, the landlord must provide a copy of the proposed lease to City of Longmont staff who will review the lease and approve it before it is signed.

Units identified by the Program participant must be acceptable under the following guidelines:

- **Rent Reasonableness:** Agency will insure that the rent does not exceed 110% of the Fair Market Rent for the County in which the housing unit is located.
- **Housing Conditions:** HQS will be applied to all units assisted with Temporary Rental Assistance funds.
- **Size Requirement:** The HUD Occupancy Standards will be used to determine the unit size for each household.
- **Lease Approval:** The lease must comply with the requirements in 24 CFR 92.253 (Tenant and Participants Protection).

§ 92.253 Tenant and participant protections.

(a) ***Lease.*** The lease between a tenant and an owner of rental housing assisted with Rental Assistance Program funds must be for not less than one year, unless by mutual agreement between the tenant and the owner.

(b) ***Prohibited lease terms.*** The lease may not contain any of the following provisions:

(1) ***Agreement to be sued.*** Agreement by the tenant to be sued, to admit guilt or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;

(2) ***Treatment of property.*** Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision

on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law;

(3) **Excusing owner from responsibility.** Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;

(4) **Waiver of notice.** Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

(5) **Waiver of legal proceedings.** Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

(6) **Waiver of a jury trial.** Agreement by the tenant to waive any right to a trial by jury;

(7) **Waiver of right to appeal court decision.** Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and

(8) **Tenant chargeable with cost of legal actions regardless of outcome.** Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.

(c) **Termination of tenancy.** An owner may not terminate the tenancy or refuse to renew the lease of a tenant of rental housing assisted with Temporary Rental Assistance Program funds except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing; or for other good cause. To terminate or refuse to renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

Once City of Longmont staff has verified the unit is acceptable and the lease has been approved, a Lease Addendum will be executed.

Moving to a Different Temporary Housing Unit:

A participating household may choose to move to a different unit within the approved length of rental assistance or the 24 month maximum period (whichever is the lesser time period). The participant will be required to follow their current lease provisions when terminating their lease. If the participant violates the provisions of their lease, continued rental assistance will not be approved.

If a household is evicted from their temporary housing unit for cause, the City will terminate assistance and the household will not be eligible for continued assistance in another unit.

Lease Enforcement and Termination of Tenancy:

The City of Longmont is not a party to the tenant/landlord lease and will not be obligated to enforce or intervene in a tenant/landlord dispute. If the household is legally evicted for cause, the City of Longmont will terminate assistance to the participant and no further assistance for a replacement unit will be approved.

Termination of Assistance

Assistance will be terminated:

- When the participant no longer needs temporary rental housing assistance because they re-occupy their repaired, constructed, or reconstructed home.
- When the Agreement for Rental Assistance expires.
- If the unit fails to meet HQS and is not corrected within the required time. Health and safety concerns will be required to be repaired within 24 hours.
- If the household has committed fraud.
- If there is a duplication of benefits which exceeds the amount of eligible assistance.
- If the household fails to meet the terms of the lease and the landlord evicts for cause.
- If the participant fails to recertify as required under the Program. If the participant moves from the unit in violation of their lease.

Security Deposit

Onetime security deposit assistance may be provided to the household. Approval will be based on the household needs as determined by the City of Longmont. Participants requesting security deposit assistance will be required to attend a One-On-One budget counseling meeting to determine need. The amount of security deposit assistance will not exceed two (2) times the monthly contract rent and will be paid directly to the landlord.

Security Deposits are provided to property owners/managers for the benefit of the participant. Upon termination of residency, the security deposit will be returned to the participant, after adjusting for damage charges.

Comment [DS1]: I believe this has to be returned to the City as program income if paid out of the CDBG-DR.

Mobile Home Park Optional Relocation Policy

The Mobile Home Park Optional Relocation Policy (Optional Relocation Policy) only applies to mobile home parks where the City is acquiring or intends to acquire land for flood mitigation work. When determined to meet an urgent community need under 24 CFR 570,.208(c), CDBG/CDBG-DR funds may be used for the relocation of an owner of a mobile home legally residing at a mobile home park that the City is purchasing for flood mitigation. Funding for temporary rental assistance to qualified households will be an eligible cost under the CDBG-DR TRA Program.

Attachment A

City of Longmont

Income Policy

Attachment B

CITY OF LONGMONT

Duplication of Benefit Policy

Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5155) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which he or she has received financial assistance under any other program or from insurance or any other source. In accordance with the Stafford Act, CDBG Disaster Recovery funds issued through the City of Longmont Housing and Community Investment Division may not be used for any costs for which other disaster recovery assistance was previously provided for the same purpose.

The Stafford Act directs administrators of Federal assistance to ensure that no person, business, or other entity will receive duplicative assistance and imposes liability to the extent such assistance duplicates benefits available to the person for the same purpose from another source. The amount of the duplication is the amount of assistance provided in excess of need. The City's Duplication of Benefit (DOB) policy adheres to the guidelines published in the Federal Register/Vol.76, No. 221/Wednesday, November 16, 2011.

There are various programs that the City of Longmont will administer that are subject to the Duplication of Benefit policy. Each program will have operational procedures which contain detailed provisions identifying the documents to be provided by applicants for assistance, as well as the procedures for how these documents will be verified.

Regardless of the program, the first step of the DOB calculation is to determine the amount of funds previously received or made available to assist with disaster needs. During the intake/application process, persons, business concerns and other entities receiving City financial assistance will be required to disclose all sources of disaster recovery assistance received, and the City will verify the amount received by reviewing source documents. For each program established in the Action Plan, the City will provide forms and procedures addressing DOB. Each procedure will require the City to:

1. Identify the total need of assistance for the eligible activity
2. Identify all potentially duplicative assistance
3. Identify assistance determined not to be duplicative for the activity
 - Funds used for a different, eligible purpose

- Funds not available to the applicant, e.g., forced mortgage payoff, contractor fraud, etc.
 - Funds from a private loan not guaranteed by SBA, forgivable loans are duplicative
 - Any other asset or line of credit available to the applicant, e.g. checking or savings accounts, stocks, etc.
4. Perform a calculation to determine the total funds available from other sources for the activity.
 - Calculated by subtracting the total assistance received from the total funds needed to complete the activity.
 5. Perform a calculation determining the maximum eligible award.
 - Calculated by subtracting the assistance from other sources (duplicative assistance) from the total need for assistance.
 6. Require all applicants to sign an agreement to repay any assistance provided using CDBG-DR funds when/if other funds were later received for the same purpose as the CDBG-DR funds. The City of Longmont, Housing and Community Investment Division will monitor compliance with the agreement for one year, by contacting the various agencies as noted above/and or listed in the original DOB calculation.
 7. Recapture funds if necessary. If additional need is established, subsequent funds would not be considered a duplication of benefits (76 FR 221, 71062). If additional need is not demonstrated, disaster recovery funds must be recaptured to the extent they are in excess of the need and duplicate other assistance received by the beneficiary for the same purpose. If CDBG-DR funds or non-Federal funds were provided last and unknowingly create duplication, the method of recapturing the CDBG-DR funds the City provided will be consistent with OMB Circular A-87. Time frames will include an annual review of DOB as noted above and the City's normal collection policies.

The following represents the basic framework that will be utilized for DOB verification in all CDBG-DR programs.

Basic framework:

1. Identify Applicant's Total Need	\$100,000
2. Deduct assistance determined to be duplicative of the work to be paid for by the City	\$30,000
3. Maximum eligible award (item 1 less item 2)	\$70,000
4. Program cap (if applicable)	\$50,000
5. Final award (lesser of items 4 and 5)	\$50,000

In addition to using this framework the City will use a Duplication of Benefit Review Worksheet, applicable to the type of assistance being provided (Housing, Infrastructure or Economic Development) to ensure compliance with DOB requirements.

All documentation of DOB and monitoring of such will be stored in a hard file at the City of Longmont and in the electronic data base for the applicable program.

Attachment C

City of Longmont

Appeal Procedure