

2023

**SMALL RENTAL  
DEVELOPMENT PROGRAM**



**South Carolina State Housing  
Finance and Development Authority**

**Small Rental Development Program  
Application Manual**

## TABLE OF CONTENTS

### SMALL RENTAL DEVELOPMENT APPLICATION MANUAL

SRDP FUNDING SOURCES.....	2
DEFINITIONS.....	2
ELIGIBLE APPLICANTS.....	6
PROGRAM SCHEDULE .....	7
APPLICATION SET-ASIDES.....	7
ELIGIBLE PROJECTS & ACTIVITIES .....	8
INELIGIBLE PROJECTS & ACTIVITIES .....	9
FINANCIAL TERMS & CONDITIONS.....	10
PROJECT FEASIBILITY & UNDERWRITING GUIDELINES.....	12
GENERAL INFORMATION.....	16
SUSPENSION & DEBARMENT .....	17
SUBMITTING APPLICATIONS .....	17
APPLICATION REVIEW PROCESS.....	18
THRESHOLD REQUIREMENTS .....	20
SCORING CRITERIA .....	24
REGULATORY & PROGRAMMATIC GUIDELINES.....	29
APPENDIX A: MARKET STUDY NEEDS ASSESSMENT REPORT GUIDELINES	
APPENDIX B: DEVELOPMENT DESIGN CRITERIA	
APPENDIX C: REHABILITATION GUIDELINES	
APPENDIX D: LEAD BASED PAINT REQUIREMENTS	

## SRDP FUNDING SOURCES

The Small Rental Development Program (SRDP) for 2023 will offer multiple funding sources, both federal and state, for new construction and rehabilitation projects. The intent of the program is to integrate small numbers of affordable housing units into neighborhoods and communities. There are three funding sources available, which are described below:

- ▶ The HOME Investment Partnerships Program (HOME) is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. The HOME Program regulations are located at 24 CFR Part 92. The South Carolina State Housing Finance and Development Authority's (SC Housing) HOME Program is designed to promote partnerships among the U.S. Department of Housing and Urban Development (HUD), various federal agencies, state and local governments, and those in the non-profit and for-profit sectors. The goal of the HOME program is to create affordable housing for low-income households.
- ▶ The National Housing Trust Fund (NHTF) was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289). The NHTF regulations are located at 24 CFR Part 93. This affordable housing production program is designed to complement existing federal, state and local efforts to increase the supply of safe, decent and affordable housing, primarily rental housing, for extremely low-income (ELI) households, including homeless families.
- ▶ The South Carolina Housing Trust Fund (HTF) was established by the SC Legislature in 1992 through the Housing Trust Fund Act. The regulations are located in Title 31, Chapter 13, Article 4 of the Code of Laws of South Carolina, as amended. HTF provides financial assistance for the development of affordable housing for low-income and very-low-income households.

## DEFINITIONS

**Applicant or Applicant Entity:** Any eligible entity (public or private, for profit or nonprofit), proposing to develop affordable housing and adhere to all federal and state regulations. Also may include entities or persons of whom the Applicant Entity is comprised, including consultants hired by the Applicant Entity to provide services to assist with the preparation of the application, application documents, and or assist with the administration of the development of the project from inception through placed-in-service.

**Application Package:** The manual, application, forms, exhibits, appendices, tabs and instructions provided by SC Housing.

**Audit:** Complete and current financial statements that have been audited by a Certified Public Accountant (CPA) licensed by the South Carolina Board of Accountancy. A current audit is considered to be one that is no more than twelve (12) months from the date the audit was performed. Non-Federal entities that expend \$750,000 or more of Federal Funds in a year are required to have an audit conducted to include the audit specifications and requirements described in 2 CFR Part 200, Subpart F (aka Super Circular).

**Commitment:** A legally binding agreement executed and dated by an eligible recipient for a site-specific eligible project that commits the federal funding to the project. These are referred to as the Written Agreement(s).

**Community Housing Development Organizations (CHDOs):** Private nonprofit entities that are organized pursuant to the definition in HUD HOME Regulations at 24 CFR 92.300. A SC Housing approved CHDO is a CHDO that has been certified by SC Housing as meeting HUD's CHDO requirements. SC Housing's CHDO Certification Manual and application can be accessed on the SC Housing website at <https://www.schousing.com/Home/Community-Housing-Development-Organizations>

**Conditional Commitment:** A reservation of funds issued after acceptance of award, which must be executed and dated by the Owner for the site-specific project.

**Contact Person:** The person listed in the application that has decision-making power for the Applicant with whom SC Housing will correspond.

**Contiguous:** Pieces of real estate that are adjoined or adjacent to each other. Contiguous lots share a common boundary. For purposes of this manual parcels of land separated only by a neighborhood street will be considered contiguous.

**Conversion:** The rehabilitation of an existing structure, not currently being used for housing, converted into affordable housing.

**Cost Allocation** – Process of identifying and assigning costs to a specific funding program and/or rental unit.

**Development Costs:** The total costs incurred in the development of a project that are considered customary, reasonable and necessary.

**Developer:** Any individual, association, corporation, joint venture, or partnership, which possesses the capacity to successfully produce affordable multifamily and/or single-family rental housing.

**Disabled Household:** A household composed of one or more persons, at least one of which has a disability.

**Disabled Person:** means a household composed of one or more persons, at least one of whom is an adult, who has a disability.

- (1) A person is considered to have a disability if the person has a physical, mental, or emotional impairment that:
  - (i) Is expected to be of long-continued and indefinite duration;
  - (ii) Substantially impedes his or her ability to live independently; and
  - (iii) Is of such a nature that such ability could be improved by more suitable housing conditions.
- (2) A person will also be considered to have a disability if he or she has a developmental disability, which is a severe, chronic disability that:
  - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - (ii) Is manifested before the person attains age 22;
  - (iii) Is likely to continue indefinitely;
  - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and
  - (v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated. Notwithstanding the preceding provisions of this definition, the term "person with disabilities" includes two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted with HOME funds, with the deceased member of the household at the time of his or her death.

**Development Division:** The Housing Development Division of the South Carolina State Housing Finance and Development Authority.

**Draw:** The disbursement of funds to a project.

**Elderly:** A person sixty-two (62) years of age or older.

**Eligible Person or Household:** One or more persons, or a family, determined by SC Housing to be of low, extremely low or very low-income, regardless of race, creed, color, national origin, sex, disability or the familial status.

**Eligible Recipient:** An organization, agency, or other entity (including a public housing agency, a for-profit or a nonprofit entity) that receives assistance as an owner or developer to carry out an affordable housing project. An eligible recipient must:

1. Make acceptable assurances to SC Housing that it will comply with the requirements of all applicable federal and state housing programs during the entire period that begins upon selection of the recipient to receive funding, and ending upon the conclusion of all funded activities;
2. Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity(ies);
3. Demonstrate its familiarity with the requirements of other federal, state, or local housing programs that may be used to ensure compliance with all applicable requirements and regulations of such programs; and
4. Have demonstrated experience and capacity to conduct an eligible activity(ies) as evidenced by its ability to own, construct, manage and operate an affordable rental housing development.

**Extremely Low-Income:** Persons with income at or below thirty percent (30%) of the median income for the area, as determined by HUD, with adjustments for family size, or those with income at or below the federal poverty line, whichever is greater.

**Family or Family Household:** A household composed of one or more persons.

**Financial Commitment:** An executed letter, contract, or agreement from a funding source verifying that the Applicant has a commitment of funds for the project. The commitment letter must include: (a) the amount of funds being provided; (b) any conditions for receiving the funds; (c) expiration of the funds or a timeframe in which the funds must be spent; (d) whether the funds are being provided as a loan or grant; and (e) the term and interest rate, if applicable, for the funds. Lines of credit and letters of credit are temporary funding and are not considered permanent commitments. **All final financial commitments must be in place before the commitment of SC Housing funds.**

**Financial Statements:** Statements that have been audited, reviewed, or compiled by an independent CPA licensed by the South Carolina Board of Accountancy. Financial statements must include an Income Statement (Statement of Activities for nonprofit Applicants) documenting one full year of activities and a Balance Sheet (Statement of Financial Position for nonprofit Applicants) dated on or after December 31, 2021. All financial statements must include notes and any footnotes to the financial statements. If an Applicant Entity has been in existence for less than one year, the Income Statement submitted should cover the period since the inception of the organization and monthly bank statements from each month the organization has been in existence must also be provided.

**Forgivable Loan:** A loan in which all payment of principal and interest is deferred until maturity, at which time the outstanding balance may be considered paid in full so long as the borrower does not default on the Funding Agreement or the Promissory Note and Mortgage and Security Agreement.

**General Contractor:** An individual or company, properly licensed by the State of South Carolina as a 1) General Contractor with a classification of Building (BD, LB, UB); OR 2) Residential Builder, that undertakes a contract to provide materials and/or labor to perform a service or do a construction job. Such Contractor must be licensed by the SC Dept. of Labor, Licensing and Regulation with an “active” status, have an effective \$1 million general liability insurance policy, a worker’s compensation policy, builder’s risk policy, and meet the contractor credential requirements as described in the SRDP Implementation Manual.

**Group Home:** Housing that is occupied by two or more single persons or families consisting of common space and/or facilities for group use by the occupants of the unit, and (except in the case of shared one-bedroom units) separate private space for each family. It also includes group housing for elderly or disabled persons. Supportive services may be provided. These structures are usually single-family homes that are being used for this purpose.

**HOME or HOME Program:** The HOME Investment Partnerships Program pursuant to the HUD Regulations 24 CFR Part 92, as amended.

**HOME-Assisted Unit:** The specific unit(s) in a project that is subsidized with HOME funds.

**Homeless:** An individual who lacks a fixed, regular, and adequate nighttime residence; an individual who has a primary nighttime residence that is a supervised publicly or privately-operated shelter designated to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

**HOME Regulations:** The regulations of HUD in 24 CFR Part 92 (1991) issued under the authority of Title II of the National Affordable Housing Act of 1990, as may be amended.

**HUD:** United States Department of Housing and Urban Development.

**Income Verification:** Third party confirmation that all households receiving assistance are income eligible according to the appropriate HUD income limits that are published annually. Third party income verification may not be dated more than six (6) months prior to move-in eligibility. Verification also involves the review and evaluation of all types of income that can be counted and not counted. Please see SC Housing’s *Determining Income Manual* located online at:

<http://www.schousing.com/library/Monitoring/DetermineIncomeManual.pdf>

**Individual (related persons):** Any individuals considered related to each other having any of the following direct relationships: parent, child, spouse, son-in-law, daughter-in-law, father-in-law, including any such direct relationship created by marriage, remarriage, adoption, or any other legally recognized status, or if one individual is an employer, by common law or otherwise, of the other.

**Initiation of Negotiations (ION):** For the purposes of providing the appropriate notice and determining whether a person displaced from a dwelling qualifies for a replacement housing payment, the Initiation of Negotiations is defined as the following:

- For projects involving acquisition, the ION will be the date the sales contract or option is executed.

- For projects not involving acquisition, the ION will be the date the Applicant submits the SRDP application to SC Housing requesting federal assistance.

**Local Government or Unit of Local Government:** Any county, city, town or municipality in the State of South Carolina.

**Low-Income:** Person with income that is above fifty percent (50%) but below eighty percent (80%) of the median income for the area, as determined by HUD, with adjustments for family size.

**Marketing Plan:** A document that provides information on how the Applicant will attract eligible persons from all racial, ethnic, age, and gender groups to the available housing being provided in the particular market area.

**Market Study:** An independent third-party report prepared to review the market conditions in a specified area. It includes a study of the economic forces of supply and demand and their impact on real estate returns, risks, and values.

**Market Needs Assessment Report:** An independent third-party report prepared to review the market conditions in a specified area. Specific guidelines are included in **Appendix A**.

**National Housing Trust Fund (NHTF):** An affordable housing production program pursuant to the HUD Regulations 24 CFR Part 91 and 93, and currently operating under a 2015 Interim Rule.

**Nonprofit:** A corporation exempt from income tax under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986, as amended.

**Participant/Awardee/Recipient:** An Applicant that has been awarded funds through the Small Rental Development Program.

**Principal:** Any Applicant, owner, developer, guarantor, financial guarantor, or any other person, corporation, partnership, joint venture, or other entity, including any affiliate thereof, or any other person, firm, corporation, or entity of any kind whatsoever that either directly or indirectly receives an award or receives a portion of the development fee (whether or not deferred) for development services and/or receives any compensation with respect to such development. Note: Consultants are not considered Principals.

**Project Completion:** Occurs when all necessary title transfer requirements have been finalized; loan closing documents have been recorded and returned to SC Housing; one hundred percent (100%) of the construction has been completed; a certificate of occupancy (CO) has been issued; a placed in service application has been submitted; the final draw down of funds has been disbursed for the project; the project completion reports have been submitted and the project activity has been closed-out in HUD's Integrated Disbursement and Information System (IDIS).

**Related Parties:** Applicants will be deemed to be related if any Principal of an Applicant is also a Principal to any other Applicant. Regardless of the percentage of participation a Principal has in a development, one hundred percent (100%) of the development's awards will count towards the limitation per Principal.

**Scattered site project:** means a project where not all buildings are located on contiguous parcels.

**Single-Room-Occupancy (SRO):** means housing (consisting of single - room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of nonresidential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants. A project's designation as an SRO cannot be inconsistent with the building's zoning and building code classification.

**South Carolina Housing Trust Fund (SC HTF):** The South Carolina Housing Trust Fund is the trust fund created by Title 31, Chapter 13, Article 4 of the Code of Laws of South Carolina, as amended and as administered by the South Carolina State Housing Finance and Development Authority.

**Stabilized Occupancy:** Occurs when at least 93% of a rental development's units are physically occupied by qualified tenants.

**Supportive Housing:** The combination of housing and voluntary support services to address the needs of special needs populations, which include any subset of the population that has been identified as having specific needs. Supportive services may include but are

not limited to: outreach, case management, childcare, job training/placement, health care, and transportation. To be considered permanent supportive housing, the application must include a narrative explaining how the units will be affordable to the population identified and how the services will be provided for the duration of the affordability period. Owners cannot give a preference based on disability type (actual or perceived) or being a client of a particular service provider (absent approval from SC Housing). Neither the owner's partners/members nor the property management company may engage in medical, therapeutic, or other activities regulated by the U.S. Centers for Medicare & Medicaid Services with respect to the residents. The owner will:

- Expressly include reasonable accommodation in the application for tenancy;
- Not ask applicants/residents for medical or other protected information unless and only to the extent legally necessary (e.g., processing reasonable accommodations requests);
- Use standard leases with the same rights available to, and responsibilities expected of, all households, including duration of tenancy (i.e., cannot be transitional); and
- Ensure participation in any supportive services is entirely voluntary (not formal or implied condition of occupancy).

**Temporary Relocation:** Occurs when a residential household that has not been permanently displaced is required to vacate their unit while rehabilitation is underway. Examples of temporary relocation include the following:

1. Household is required to move from the development to an off-site rental unit while the rehabilitation is underway.
2. Household is required to move to another unit in the development while the rehabilitation is underway.
3. Household is not required to move from their unit, but is required to vacate the unit during daytime hours while the rehabilitation is underway.

**Transitional Housing:**

1. Is designed to provide housing and appropriate supportive services to persons, including (but not limited to) deinstitutionalized individuals with disabilities, homeless individuals with disabilities, and homeless families with children; and
2. Has as its purpose facilitating the movement of individuals and families to independent living within a specific time period that is set by the project owner before occupancy.

**Vacant Properties:** Include both vacant structures (residential or commercial) and vacant land that are unoccupied and not in use.

**Vertical Construction:** SC Housing will consider vertical construction to be underway when an SC Housing inspector approves the development's footing inspection.

**Very Low-Income:** Persons with income at or below fifty percent (50%) of the median income for the area, as determined by HUD, with adjustments for family size.

## ELIGIBLE APPLICANTS

Eligible Applicant Entities:

1. Units of Local Government (cities, counties and towns)
2. Regional Councils of Government (COGs)
3. Public Housing Authorities (PHAs)
4. Community Housing Development Organizations (CHDOs)
5. Nonprofit Entities
6. For-profit Entities

Eligible Applicants must demonstrate that they meet the Threshold Requirements as described in bullets 1-4, beginning on Page 20 of this manual by submitting an **Intent to Apply Package**. Threshold participation criteria is related to financial capacity, good standing, HOME program income/CHDO proceeds, experience and capacity, previous performance, and related entities, principals and/or individuals. Experience requirements are specific to the type of development being proposed in the application. All Applicants must have a designated Program Administrator on staff that will be responsible for the coordination of the project (i.e. project implementation through project completion). Applicants may utilize the services of a consultant to serve as the Project Administrator;

however, reimbursement for consultant fees will be paid for from Developer fees. Consultants may not be involved with more than two (2) open awards at a time and must disclose all open projects they are providing consulting services for using the **SRDP Application Exhibit 5 – Consultant Certification Form**. In addition, consultants must be in compliance with conflict of interest requirements and are required to certify to such by providing an **SRDP Application Exhibit 6 – Conflict of Interest Form**. Applicants must complete and include the following items related to applicant eligibility and submit them with the **Intent to Apply Package**:

1. **SRDP Application Exhibit 2 – Staff Information**
2. **SRDP Application Exhibit 3 – Board of Directors Information**
3. **SRDP Application Exhibit 4 – Experience Certification**
4. **SRDP Application Exhibit 5 – Consultant Certification Form with a copy of the consultant contract**
5. **SRDP Application Exhibit 6 – Conflict of Interest Certification Form**
6. **SRDP Application Exhibit 7 – Previous Participation Certification Form**
7. **SRDP Application Exhibit 8 – Debarment Certification Form.**
8. **Narrative describing the Applicant’s successful experience with affordable rental housing programs**
9. Copies of staff member’s resumes’ or bios describing specific experience with the development and management of rental properties
10. For non-profit applicants a copy of their IRS 501(c)(3) Status Letter
11. Financial Statements dated on or after December 31, 2021 which must include an Income Statement and Balance Sheet
12. **SRDP Application Exhibit 22 – Audit Requirements Certification**
13. If applicable, copy of most recent audit required by 2 CFR Part 200, Subpart F

The CHDO Certification Manual and Application are available on the SC Housing website at <https://www.schousing.com/Home/Community-Housing-Development-Organizations>. Applicants applying for HOME CHDO set-aside funds must complete and include the following CHDO Certification Application documents with the **Intent to Apply Application**:

1. **CHDO Certification Application**
2. **CHDO Certification Application Checklist**
3. **CHDO Certification Attachment A – Debarment Certification**
4. **CHDO Certification Attachment B – Board of Directors Information**
5. **CHDO Certification Attachment C – Board of Directors Representation**
6. **CHDO Certification Attachment D – Organization Staff Roster**
7. **CHDO Certification Attachment E – Consultant Disclosure**
8. **CHDO Certification Attachment F – Standards for Financial Management Systems**

## PROGRAM SCHEDULE

Application Workshop:	<b>March 9, 2023</b>
Intent to Apply Deadline:	<b>April 21, 2023</b>
Intent to Apply Determinations:	<b>May 5, 2023</b>
Application Submission Deadline:	<b>July 31, 2023</b>
Missing Document Notification/Final Point Scores:	<b>August 2023</b>
Conditional Commitment Letters Issued:	<b>September 30, 2023</b>
Submission of Final Plans/Specifications and NEPA Deadline:	<b>December 29, 2023</b>
Award Agreements Issued & Implementation Trainings:	<b>Spring 2024</b>

## APPLICATION SET-ASIDES

Up to **\$24,540,145** of funding will be available. Applications will be placed in one of the three (3) set-asides below:



1. **General New Construction** – \$12,684,767, 50% of available funds. This set-aside will include new construction applications that contain 8-39 units.
2. **Micro New Construction** – \$6,342,383, 25% of available funds. This set-aside will include new construction applications that contain 4 units submitted by non-profit applicants.
3. **Rehabilitation** – \$6,342,383, 25% of available funds. This set-aside will include rehabilitation applications that contain 8-24 units.

## ELIGIBLE PROJECTS & ACTIVITIES

Rental projects may include single family dwellings (buildings containing 1-4 units) and/or multifamily dwellings (building containing 5+ units) and must meet the following requirements:

1. Projects must be site-specific. Proposed site(s) cannot be changed or substituted, under any circumstances, from the initial site(s) proposed in the application. Applications proposing scattered site projects may at the discretion of SC Housing remove a proposed site from the application if it is determined that the site is not suitable as long as the remaining site(s) in the proposed application are able to accommodate the minimum number of units as described in this section;
2. Projects in the General New Construction Set-Aside must contain 8 - 39 affordable units;
3. Projects in the Micro New Construction Set-Aside must be owned by non-profits and contain 4 affordable units;
4. Projects in the Rehabilitation Set-Aside must contain 8-24 affordable units;
5. All sites in a scattered site project must be located within a one (1) mile radius;
6. Ensure all affordable units are comparable in size and design features;
7. The project must comply with all mandatory development design criteria, unless a waiver has been submitted with the application submission and approved in writing by SC Housing. No additional waiver requests will be approved after application submission unless the request is due to changed circumstances and includes evidence satisfactory to SC Housing that the waiver is necessary and could not have been presented with the application submission.

In general, the below items are eligible SRDP activities. SC Housing underwriting staff will determine based on the project type and proposed scope of work which funding sources will be allocated to awarded projects dependent upon regulatory requirements of the various sources of funds allocated to the program.

1. **Acquisition of vacant land** on which construction must begin within twelve (12) months of the execution of the written agreement(s); projects not meeting the twelve (12) month benchmark that are awarded federal dollars may have all funds rescinded. Land banking is prohibited. HOME and NHTF dollars cannot be used to reimburse acquisition expenses incurred for acquiring project sites prior to the submission of the SRDP application. SC HTF may be used to reimburse acquisition expenses incurred within 24 months prior to the submission of the SRDP application.
2. **Demolition** of vacant blighted buildings, which must be completed and construction underway within twelve (12) months of execution of the written agreement(s); projects not meeting the twelve (12) month benchmark that are awarded federal dollars may have all funds rescinded;
3. **New Construction** of any type which must begin within twelve (12) months of the execution of Commitment(s) for all SC Housing funding sources; projects not meeting the twelve (12) month benchmark may have all funds rescinded;
4. **Acquisition with Rehabilitation** of residential buildings requiring a minimum expenditure of \$25,000 per unit in hard construction which must begin within twelve (12) months of the execution of Commitment(s) for all SC Housing funding sources; projects not meeting the twelve (12) month benchmark may have all funds rescinded.
5. **Site Improvements including on-site utility costs;** and
6. **Operating Reserves - for NHTF-assisted units only.** Operating reserve funds are not available for projects using project-based rental assistance (PBRA).

In general, the following types of rental projects are eligible for SRDP funding. SC Housing underwriting staff will determine based on the project type and proposed scope of work which funding sources will be allocated to awarded projects dependent upon regulatory requirements of the various sources of funds allocated to the program.

1. Permanent Rental Housing
2. Permanent Supportive Housing
3. Transitional Housing (note: transitional housing developments are not eligible for NHTF dollars.)

## INELIGIBLE PROJECTS & ACTIVITIES

The following project types and sites are not eligible for SRDP funding.

1. Public Housing Units are not eligible unless using NHTF for a RAD project
2. Projects assisted under Title VI of NAHA (*prepayment of mortgages issued by HUD*)
3. Commercial Properties (*except when converted to residential rental units*)
4. Homeless Shelters
5. Facilities such as nursing homes, convalescent homes, hospitals, residential treatment facilities, halfway houses, etc.
6. Manufactured Housing
7. Properties previously assisted with other restricted funds that are still under an affordability period.
8. Student Housing
9. Scattered site projects that do not meet the following criteria are ineligible: all sites must be located within the same county and market area, all buildings must be under the ownership of one entity and developed under one plan of financing, and all units must be managed by one management entity.
10. Proposing two separate projects in the same application year for the same target population using any source of SC Housing funding where the projects will be located adjacent to, in proximity to, or directly across the street from each other.
11. New construction within three hundred (300) feet of an active railroad track.
12. Sites in close proximity to explosive storage facilities, above ground commercial bulk storage facilities, or distribution facilities for propane/butane gas, hazardous chemical or petroleum/gasoline that require extensive mitigation such as the construction of a blast wall.
13. Sites located within Runway Clearzones or Protection Zones (civil and military airports) or Accident Potential Zones (military airports).
14. Sites that require the execution of voluntary or involuntary cleanup agreements with the Department of Health and Environmental Control or any other third-party organizations as noted in a Phase I or II environmental assessment report.
15. Sites located in a FEMA or local designated flood zone (100 year and 500 year). This provision is not applicable in the following counties so long as the site is no less than 80% buildable and the flood zone(s) will not be impacted: Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper. Percentage of buildability may require confirmation by a qualified independent third-party consultant. If SC Housing determines confirmation is needed, costs of such consultant will be the responsibility of the Applicant.
16. Properties containing any hazardous materials as defined in 49 CFR 172.101 (other than lead-based paint and/or asbestos) found on, within, or adjacent to the proposed site(s).
17. Wetlands – No activities, structures, or facilities associated with the project can adversely impact a wetland. No draining, dredging, channelizing, filling, diking, impounding or related grading activities are to be performed in wetlands. Sites that are less than 80% buildable are not eligible. Applicants with project sites containing wetlands will be required to enter into an agreement as to restrictive covenants that will prohibit those areas from being disturbed and/or impacted in anyway by the development of the project.
18. Sites listed on or within ¼ mile of a site listed on the National Priority List under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund; or otherwise reported to Federal, State, or local authorities as contaminated will not be permitted unless evidence satisfactory to SC Housing is presented that there is no longer a hazard posed that could affect the health and safety of the occupants or conflict with the intended use of the property.
19. Noise - Sites with exterior noise levels of 75 decibels or higher are not eligible for funding. A noise study must be conducted in accordance with 24 CFR 51(b) for all proposed projects using the process outlined in “The Noise Guidebook” (<https://www.hudexchange.info/resource/313/hud-noise-guidebook>) and the Day/Night Noise Level Electronic Assessment Tool found at <https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/>. Noise studies must be completed by a consultant that is listed on SC Housing’s approved environmental consultants list and be submitted with the Application.
20. Projects that include the development of homeownership units on the proposed SRDP project site.
21. Projects may not be submitted in both the 9% LIHTC and SRDP application rounds in the same year.
22. Projects proposing additional phases to projects when any of the previous phases are not 100% complete.
23. Sites that in accordance with the National Oceanic and Atmospheric Administration are projected to be impacted by 3ft. sea level rise within approximately 50 years. Follow the instructions below to determine if the site will be impacted:

- i. Go to <https://coast.noaa.gov/slr/#/layer/slr>
- ii. Enter in site address. In some instances, you may need to enter in the closest adjacent address.
- iii. Change water level to 3 ft.
- iv. If the site is located in an area that is shaded blue or green it is ineligible.

## FINANCIAL TERMS & CONDITIONS

SC Housing will reserve the below funding sources for the 2023 SRDP program year. These amounts; however, are subject to change based on final allocation for 2023 HOME and NHTF grant amounts as determined by HUD and the determination of the available amount of HOME program income on hand at the time of award determinations.

- Approximately \$6,540,145 in HOME funds
  - Including up to \$1,123,358 in HOME funds will be set-aside for use by Community Housing Development Organizations (CHDOs).
- Approximately \$3,829,390 in NHTF funds
- Approximately \$15,000,000 in SC HTF funds

Final determinations on funding sources and whether an Applicant will receive repayable loans, forgivable loans, or a combination of both will be determined during the underwriting analyses conducted during the application review and the placed-in-service application review. Repayable loans will have an interest rate ranging from zero percent (0%) to three percent (3%) and loan terms will typically be dependent on the funding program's affordability period. SC Housing reserves the right to reduce or increase funding sources during the underwriting process in order to allocate program funds to their best use.

### Terms for nonprofit entities, for-profit entities and Public Housing Authorities (PHAs)

#### **HOME Funds:**

1. Funds will be awarded as either a twenty (20) or thirty (30) year repayable loan, forgivable loan or a combination of both.
2. The amount of HOME funds available to an individual rental unit will be based on the per unit subsidy limits allowed by HUD and determined during the underwriting analysis.
3. Repayable loans will be amortized between zero percent (0%) to three percent (3%). The interest rate will be determined during underwriting.
4. There will be a minimum term and amortization period of twenty (20) years or a period that does not exceed thirty (30) years.
5. Authority HOME funds cannot be combined with another PJs HOME funds.
6. The required affordability period will be enforced through a recorded Agreement as to Restrictive Covenant and/or amendments, as needed.
7. Funds will be secured through an Applicant's execution of a Promissory Note and the recordation of a Mortgage. In the event the property is sold, all loans, both repayable and forgivable, become due and payable at (as per the mortgage and security agreement "Due on Sale" clause).
8. All applications will be underwritten such that they will be able to reach \$900 per unit in annual cash flow.
9. All HOME loans will be underwritten to ensure there will be cash flow sufficient to cover debt service.
10. The HOME loan will be in a mortgage position relative to the funding amount as compared to other funding sources committed to the development.
11. HOME loans will be deferred for ninety (90) days following project completion.
12. Interest will NOT be charged on the HOME loan during the construction phase of the project.

#### **NHTF Funds:**

1. Funds will be awarded as either a twenty (20) or thirty (30) year repayable loan, forgivable loan or a combination of both.
2. The amount of NHTF funds available to an individual rental unit will be based on the per unit subsidy limits allowed by HUD and determined during underwriting analysis.
3. Repayable loans will be amortizing with an interest rate of zero percent (0%) to three percent (3%) for a minimum term and amortization period of twenty (20) years or a period that does not exceed thirty (30) years.

4. The required thirty (30) year affordability period will be enforced through a recorded Agreement as to Restrictive Covenant and/or amendments, as needed.
5. Funds will be secured through an Applicant's execution of a Promissory Note and the recordation of a Mortgage. In the event the property is sold, all loans, both repayable and forgivable, become due and payable (as per the mortgage and security agreement "Due on Sale" clause).
6. All applications will be underwritten such that they will be able to reach \$900 per unit in annual cash flow.
7. All applications will be underwritten to ensure there will be cash flow sufficient to cover debt service.
8. The NHTF loan will be in a mortgage position relative to the amount funded as compared to other funding sources committed to the development
9. NHTF loans will be deferred for ninety (90) days following project completion.
10. Interest will NOT be charged on a NHTF loan during the construction phase of the project.
11. All projects with six (6) or more units that are eligible for a NHTF award will be required to have at least 25% of the units in the project designated as NHTF units.
12. Rehabilitation projects that propose extending any portion of a building beyond the original footprint of the building may not be assisted with NHTF dollars.
13. Farmland - Sites determined to be unique, prime or statewide or locally significant agricultural property cannot be assisted with NHTFs. A map from the Web Soil Survey showing the project site is not unique, prime or statewide or locally significant agricultural property must be provided with the Application. <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

#### **SC HTF Funds:**

1. Funds will be awarded as either a twenty (20) year repayable loan, forgivable loan or a combination of both.
2. Repayable loans will be amortizing with an interest rate of zero percent (0%) to three percent (3%) for a minimum term and amortization period of twenty (20) years or a period that does not exceed thirty (30) years.
3. The required twenty (20) year affordability period will be enforced through a recorded Agreement as to Restrictive Covenant and/or amendments, as needed.
4. Funds will be secured through an Applicant's execution of a Promissory Note and the recordation of a Mortgage. In the event the property is sold, all loans, both repayable and forgivable, become due and payable (as per the mortgage and security agreement "Due on Sale" clause).
5. All applications will be underwritten such that they produce a Debt Coverage Ratio (DCR) of 1.30. If a 1.30 per unit debt coverage ratio produces cash flow per unit less than \$900, the underwriting will be adjusted such that the proposal will be able to reach \$900 per unit in annual cash flow.
6. All applications will be underwritten to ensure there will be cash flow sufficient to cover debt service.
7. The SC HTF loan will be subordinate to permanent conventional financing and the HOME and/or NHTF mortgages.
8. HTF loans will be deferred for ninety (90) days following project completion.
9. Interest will NOT be charged on the SC HTF loan during the construction phase of the project.

#### **Terms for Units of Local Government**

Funds provided to units of local governments will ONLY be provided as repayable loans with an interest rate between zero percent (0%) to three percent (3%). The interest rate will be determined during underwriting.

#### **Geographic Distribution**

It is SC Housing's intent to promote fair and objective administration of the SRDP Program funds by ensuring that no single county receives an excessive share of the available program funds in any one application cycle. In making awards of SC HTF funds, SC Housing will ensure that no county receives more than 20% of the current year's available SC HTF funds.

#### **Construction Draws for SC Housing Funding Sources**

1. Participants may choose to request funds as construction draws or to draw funds at project completion.
2. A payment and performance bond, or Letter of Credit (LOC) in an amount equal to the construction contract must be provided by Applicants electing to draw funds during construction.
3. SC Housing will only release funds for completed work in place that has been inspected and approved by an SC Housing inspector.
4. Unless otherwise directed by SC Housing, funding sources will be drawn proportionately.
5. Disbursements for soft costs are not allowed until vertical construction has started.
6. An ***SRDP Application Exhibit 9 – Election to Draw Funds*** must be submitted with the Application.

# PROJECT FEASIBILITY & UNDERWRITING GUIDELINES

All applications are subject to financial review by SC Housing. The underwriting will consist of, but is not limited to, the following areas (line numbers refer to the “Development Costs” tab of the application):

**Development Costs:** All costs are subject to review for justification of acceptable, reasonable costs. Development costs are evaluated for necessity and reasonableness at the time of application review as well as when a project is placed in service. A review of the development and site plans, *SRDP Application Exhibit 10 - Construction Costs Addendum*, and *SRDP Application Exhibit 11 - Construction Design Certification* will be conducted to determine reasonableness of the proposed development costs. Any proposed recommendations or required changes will be provided to the applicant. Proposals with costs exceeding recommendations must submit an explanation for the higher costs and will be required to revise costs accordingly. SC Housing reserves the right to determine whether final costs are appropriate and acceptable at both application and at placed in service.

SC Housing may use any third-party resources it deems necessary to adequately perform a cost analysis of the application. If necessary, any costs related to the hiring or acquisition of a secondary third-party resource will be covered by the applicant. SC Housing will reject all applications where costs exceed reasonable amounts and/or costs are not substantiated and deemed to be valid. SC Housing has sole discretion in determining cost reasonableness.

**Developer Fees, Developer Overhead, and Consultant Fees (Fees):** Fees are limited based on development costs or project units count. Fees are calculated as the total of Developer Fees (line 39) plus Consultant Fees (line 17) from Development Costs in the application. Fees will be the lesser of \$25,000 per affordable unit or 15% of adjusted development costs. The formula is:

$$\frac{\text{Developer Fees (line 39) + Consultant Fees (line 17)}}{\text{Adjusted Development Costs}}$$

“Adjusted Development Costs” is calculated as follows:

Total Development Costs	(line 41)
Less Acquisition Costs	(line 1)
Less Consultant Fees	(line 17)
Less Developer Fees	(line 39)

**Exhibit 10 Construction Costs Addendum:** This form is required as part of a complete application. All costs detailed on the **Exhibit 10** must tie to costs presented on page 9 of the application in the appropriate cost category.

**Minimum Hard Costs:** Minimum hard costs must be no less than **sixty-five percent (65%)** of total development costs. **Hard costs** include the following line items:

Land and Existing Structures	(line 1)
Demolition	(line 2)
On-Site Improvements	(line 3)
New Construction	(line 5)
Rehabilitation	(line 6)
Construction Contingency	(line 10)

**Contractor Costs:** The combined total of general requirements and contractor profit & overhead may not exceed **fourteen percent (14%)** of hard construction costs. The structure of these fees is limited to the following:

General requirements (line 7)	may not exceed	6% of hard construction costs
Contractor profit & overhead (line 8)	may not exceed	8% of hard construction costs
Total contractor fees	may not exceed	14% of hard construction costs

**Hard Construction Costs:** Include the following line items from the development costs schedule:

Demolition	(line 2)
On-Site Improvements	(line 3)
New Construction	(line 5)

**Operating Costs:** Projected operating expenses, for all developments, must be \$3,750 per unit, per year, excluding reserves, property taxes, and annual compliance monitoring fees. If underwriting staff considers property tax estimations to be unusually high or low, documentation may be required to justify the estimate.

**Vacancy Rate:** The application must utilize a vacancy rate of not less than seven percent (7%). The vacancy rate must be applied to both rental income and other income since the other income is to be derived from the rental income.

**Debt Coverage Ratio (DCR):**

- The DCR is calculated as Net Operating Income (NOI) divided by the annual debt service. For this purpose, NOI is the income remaining after subtracting Total Annual Expenses and Annual Replacement Reserves from the Effective Gross Income (EGI).
- All proposals will be underwritten such that they produce \$900 per unit in annual cash flow.

**Annual Rent and Expense Trends and Cash Flow:**

- Development rents will be trended upward at a two percent (2%) annual increase.
- Operating expenses will be trended upward at a three percent (3%) annual increase.
- The Proforma Income Statement must demonstrate that the project will maintain a positive cash flow for the entire 30-year affordability period. The project must demonstrate a positive cash flow for a period of 30 years using the same rent and expense trending criteria referenced above.

**Replacement Reserves:**

Applicants are required to establish and make annual contributions to replacement reserves. The minimum replacement reserves are three hundred dollars (\$300) per unit, per year for all development types.

Annual contributions are made from operating cash flow and are cumulative. The account must be replenished, when used, through annual contributions as stated above. Annual contributions should begin as soon as the development achieves stabilized occupancy and continue until the expiration of the affordability period.

**Operating Reserves:**

Operating reserves are funded initially from development costs and replenished, when used, from operating cash flow. Operating reserves must be maintained at the required level throughout the affordability period, as follows:

- **Less than ten (10) units:** Three (3) months of projected operating expenses, including replacement reserves, property taxes, annual compliance monitoring fees, and annual debt service.
- **Ten (10) or more units:** Six (6) months of projected operating expenses, including replacement reserves, property taxes, annual compliance monitoring fees, and annual debt service.

**Cost Overruns:**

The **Exhibit 10 - Construction Cost Addendum** submitted with the application will include a contingency to cover cost overruns in an amount equal to 10% of total hard construction costs for rehabilitation and new construction projects. The Authority at its discretion may require adjustments to the amounts budgeted for contingency. Any amounts which exceed this contingency are to be covered first by a reduction in the developer fee and then by the developer's liquid assets as confirmed by financial statements which are submitted at initial application. For more information see Threshold Requirements below.

**Market Study Requirements:**

A Market Study Needs Assessment Report, as required by § 92.250(b)(2), prepared by an SC Housing approved third party market study provider must be submitted with the application to ensure there is adequate demand for the proposed project. If a Market Needs Assessment is available that is older than six (6) months and was prepared by an SC Housing approved market study provider, an update to the Market Study will be allowed. **Market Study Guidelines are provided as Appendix A.**

**Appraisal Requirements:**



Appraisal requirements: SC Housing requires commercial real estate appraisals at application submission for all development proposals requesting funds for acquisition. Projects not requesting funds for acquisition may submit a broker opinion of value in lieu of an appraisal.

- a. An appraisal, dated no more than six (6) months prior to the date the SRDP application is signed, is required with submission of the application.
- b. Appraisers must be licensed by the South Carolina Real Estate Appraisers Board on a permanent, non-temporary basis. Additionally, appraisers must have a State Certified General Real Property Appraiser's license or State Certified Residential Real Property Appraiser's license, whichever is appropriate for the property being appraised.
- c. Appraisers must identify SC Housing as an authorized user of the appraisal, noting that SC Housing may rely on the representations made therein. Additionally, SC Housing reserves the right to convey a copy of the appraisal to third parties, assigns and pertinent parties involved in the contemplated allocation of SRDP funds.
- d. Appraisals must be prepared in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) published by the Appraisal Foundation and with title XI of the Federal Finance Reform, Recovery and Enforcement Act of 1989 (FIRREA).
- e. Appraisals containing only vacant land must use the market data approach. Land should be valued without regard to any improvements/restrictions. This value should be based on similar land sales in the sub-market or the value of the "land only" portion of improved sales in the sub-market.
- f. Comparable properties must be located in the proposal's sub-market. If an appraiser chooses comparable properties outside of the sub-market, the appraiser must also include a detailed description of every comparable located closer to the proposal and a list detailing why each was not chosen as a comparable. Regardless, comparable must be located in the proposal's home county or in extreme instances, an adjacent county. Comparable sales may not include land owned by the applicant or any of its principals or related entities and may not be exclusive to previous LIHTC or SRDP developments.
- g. If the appraisal does not substantiate the purchase price submitted in the SRDP application SC Housing may decrease the amount proposed in the application to match the appraised value. Developments not meeting minimum underwriting requirements or found to be financially infeasible as a result of this reduction will be disqualified.
- h. Detrimental characteristic(s) – any detrimental, harmful, or damaging site, physical feature, or characteristic located adjacent or in close proximity to the development being appraised that would negatively affect the valuation must be disclosed in the appraisal. The appraiser should quantify the valuation loss attributable to that site, physical feature, or characteristic.
- i. If SC Housing deems the appraised value of a proposal to be unusual, excessive or utilized comps that are not acceptable under this section, a separate appraiser will be hired by SC Housing, at the Applicant's expense, to prepare a second appraisal. All questions and concerns regarding the appraisal must be resolved before preliminary point scores are released. An application could be disqualified should a second appraisal not resolve the land value issue.
- j. All applications requiring an appraisal must submit **SRDP Application Exhibit 12 – Primary Appraiser Certification Letter**, signed and certified by the primary appraiser.
- k. Acquisition expenses are only eligible for the portion of a site or sites that are necessary to build the project. For example, if a 10-acre site is submitted in the application and only 2 acres of the site are needed to construct the project, only the costs associated with the 2 acres where the project will be located are eligible. If the entire site is not needed for the project, the portion of the site that will be used must be parceled out by the time of application submission. If a site is being subdivided from a larger parcel the appraisal must be submitted in the application and must include specific information on the value of the portion of the parcel that will be subdivided for the project.

**Broker Opinion of Value Requirements:** The opinion must be prepared by a broker and contain the following:

- a. Identification of the subject property
- b. The date the opinion was prepared (opinion may not be older than six months)
- c. Defined value or price
- d. Any limiting conditions, including statements of purpose(s) and intended user(s)
- e. Any present or contemplated interest, including the possibility of representing the seller/landlord or buyers/tenants
- f. Basis for the opinion, including applicable market data (recently sold and currently listed)
- g. Credentials of the broker providing the non-appraisal opinions of value, including full name, license number and expiration.

**Compliance Monitoring Fees:** \$50 per unit annually. Compliance monitoring fees for the first year the development places in service must be paid to the Authority with the Placed In-Service Application and on or before the first day of February of each succeeding year throughout the remainder of the affordability period. The Authority will assess a ten percent (10%) late fee of the total outstanding balance for payments received after thirty (30) days from the due date. The minimum late fee will be \$50. The Authority may adjust the amount of the fee at any time. Fees for the first year are eligible expenses that may be included in the development budget and may be drawn down at the completion of construction.

**Placed in Service Application:**

The owner must submit a placed in-service application once construction is one-hundred percent (100%) complete and final certificates of occupancy have been issued. The placed in-service application must be submitted in a three-ring binder and must include the following:

- All unpaid fees or charges owed to SC Housing to include compliance monitoring and/or administrative fees; and
- All supporting documentation required by the ***SRDP – 19 PIS Application Checklist***.

An ***SRDP - 19 Placed-in- Service Application Checklist*** is available on the SC Housing website at:

[https://www.schousing.com/Home/SmallRentalDevelopmentProgram\\_under\\_the\\_SRDP\\_Implementation\\_Manual\\_and\\_Forms\\_tile](https://www.schousing.com/Home/SmallRentalDevelopmentProgram_under_the_SRDP_Implementation_Manual_and_Forms_tile).

Note, this process is subject to change to comply with additional guidance, notices, or regulations issued by HUD and SC Housing.

**Cost Certification Requirements:** As part of the Placed-in-Service Application for SC Housing funds, the Applicant is required to submit a cost certification acceptable to SC Housing. The cost certification must be in the form outlined in the form of a ***CPA Cost Certification Letter***. The cost certification must be prepared and certified as to accuracy by an independent third-party CPA licensed by the South Carolina Board of Accountancy. It must include a statement that a final copy of all costs incurred has been reviewed and is in accordance with the requirements of the SRDP program. The certification must indicate that after careful review and investigation into the eligible costs, the costs that are not includable have been excluded from SC Housing funds. SC Housing reserves the right to request an additional CPA opinion, at the expense of the Applicant, for costs that are questionable as to their eligibility relating to the program being administered. SC Housing assumes no responsibility for determining which costs are eligible and urges the Applicant and their CPA to perform an independent investigation into the eligibility of all cost items.

***SC Housing, in its sole discretion, reserves the right to waive any of the above financial requirements if the facts and circumstances regarding a project warrant the waiver. Any such waiver will be decided solely by SC Housing staff on a case-by-case basis.***



## GENERAL INFORMATION

1. Any revisions to the contents of the SRDP Manual by SC Housing will be documented in the form of a bulletin. Bulletins will be posted on SC Housing's website and disseminated to all persons on SC Housing's contact lists via email. It is the Applicant's responsibility to check SC Housing's website for any revisions that may occur.
2. SC Housing reserves the right to:
  - a. Award Applicants less than the amount of funds requested.
  - b. Reject any and all applications received.
  - c. Waive or modify minor irregularities in applications upon notification to the Applicant.
  - d. Adjust or correct any mathematical errors in the application.
  - e. Request and receive clarification from the Applicant to ensure an understanding of the application submitted.
  - f. Adopt or utilize all or any part of the application unless covered by legal protection that the Applicant has notified SC Housing simultaneously with submission.
  - g. Negotiate with the Applicant to serve the best interest of the SC Housing.
3. Awarded Applicants, whose project successfully completes the environmental review process, receives approval for FINAL plans and specifications, and cost reasonableness will receive SRDP Funding Agreements.
  - a. Funding Agreements contain deadlines for completing the project and expending funds as well as deadlines for providing other required documentation.
  - b. SC Housing may exercise its right to terminate any Funding Agreement, at any time prior to the Agreement's end date, due to lack of project productivity and/or non-compliance with program requirements.
4. Each Applicant will be required to submit a Placed In Service application that:
  - a. Is due after the project is one hundred percent (100%) complete and a Certificate of Occupancy (CO) or Certificate Substantial Completion has been issued by the locality;
  - b. Will be reviewed by the underwriting staff to ensure that the project is entitled to the full amount of funds originally awarded. The final disbursement(s) will not be released until the underwriting of the Placed in Service application has been completed.
  - c. Contains all information listed on **SRDP Application Exhibit 19 - Placed in Service Application Checklist**.
  - d. May result in reduced funds, revised loan terms, and/or adjusted rents as determined necessary based on final underwriting by SC Housing staff.
  - e. Contains compliance/ (\$50 per affordable rental unit) for the first year, payable in certified funds.
5. No member, officer, agent, or employee of SC Housing shall be held personally liable concerning any matters arising out of, or in relation to, all Commitment(s) of funds with regard to feasibility or viability of the proposed project.
6. By submitting an application to SC Housing, the Applicant agrees to, hold harmless, and releases any claim or cause of action against SC Housing or its staff related to or arising under the processing or scoring of any application or for the award under this program, and further the Applicant covenants not to sue SC Housing or its staff related to or arising under the processing or scoring of any application under this program. The Applicant further agrees to indemnify SC Housing for any claim or cause of action brought against SC Housing related to or arising under the Applicant's application.
14. All final Financial Commitments from any funding sources other than SC Housing must be submitted in the Application. The revised HOME Final Rule and NHTF Interim Final Rule require that all other sources of financing for a project be committed to the project prior to committing federal funds. Therefore, SC Housing cannot accept any proposed or anticipated funding sources as part of the project's financial structure. **All final financial commitments must be in place before the commitment of SC Housing funds.**

## SUSPENSION & DEBARMENT

1. Any of the following actions may result in suspension from participating in all SC Housing administered programs. SC Housing has sole discretion in determining the appropriate time frame of the suspension. This list is not all inclusive:
  - a. Failure to receive approval of the final plans and specifications from SC Housing staff within nine (9) months of the issuance of conditional commitments.
  - b. Failure to begin construction within the deadline established in the SRDP Funding Agreements.
  - c. Failure to complete a project within three (3) years of the date of the SRDP Funding Agreements.
  - d. Failure to complete a project by the completion deadline specified in the SRDP Funding Agreements and Implementation Schedule, which may be extended for good cause as determined by SC Housing in its sole and absolute discretion.
  - e. Failure to complete or comply with the environmental review requirements as specified by 24 CFR Parts 50 and 58, as amended.
  - f. Failure to provide a legally executed **SRDP Application Exhibit 11- Construction Design Certification** or providing a false or inaccurate certification that a project meets the standards and requirements as stated in the body of the certification when, in fact, it does not, will result in the disqualification of the developer and the architect. SC Housing may also file a complaint against the architect with the S.C. Department of Labor, Licensing and Regulation.
  - g. Failure to comply with program requirements.
2. Any of the following actions may result in the permanent debarment from participating in all SC Housing administered programs. This list is not all inclusive:
  - a. Any Applicant or consultant who provides false, fraudulent or misleading information to SC Housing, in any capacity whatsoever, regardless of when such false or misleading information is discovered. Any award received on the basis of such false or misleading information may become void.
  - b. An Applicant or consultant who provides agreements, written or otherwise, that attempt to circumvent SC Housing requirements regardless of when the violation is discovered.
  - c. Any Applicant or consultant that omits information material to an application submitted to SC Housing for funding regardless of when such omission is discovered. Any award received on the basis of such omission(s) may become void.
  - d. Failure to complete corrective actions required as a result of any financial and/or compliance monitoring review.
  - e. Any applicant, consultant, and/or contractor who does not complete a project within the HUD four (4) year project deadline.

## SUBMITTING APPLICATIONS

1. Applications may be obtained from SC Housing's website at [www.schousing.com](http://www.schousing.com) or requested in writing at the address below:

South Carolina State Housing Finance and Development Authority  
ATTN: Development Division - SRDP  
300-C Outlet Pointe Blvd.  
Columbia, SC 29210
2. **Intent to Apply Packets** for the 2023 SRDP Rental Application cycle must be submitted to SC Housing by 5:00 p.m. on April 21, 2023. Packets can be submitted during regular business hours of 8:30 a.m. to 5:00 p.m. (EST). **Packets received after the deadline will not be considered for funding and will be returned to the Applicant. Applicants must receive an approval of their Intent to Apply Packet to qualify to submit an application.**
3. Applications for the 2023 SRDP Rental Application cycle must be submitted to SC Housing by 5:00 p.m. on July 31, 2023. Applications can be submitted during regular business hours of 8:30 a.m. to 5:00 p.m. (EST). **Applications received after the deadline will not be considered for funding and will be returned to the Applicant.**

4. Intent to Apply Packets and Applications may be delivered by hand, mail, or other shipping services. Applications will **NOT** be accepted by facsimile and/or e-mail transmission.
5. Each project should have a unique identifiable name that does not contain the Applicant organization's name or proposal's city name.
  - Examples of unacceptable Project Names: City of Greenville 2016, GHF 2016, 2019 Scattered Sites Project, etc.
  - Examples of acceptable Project Names: Meadows Pointe, Garnet Grove, etc.
6. Applicants must submit one (1) original Intent to Apply Packet and one (1) original application package in 3-ring binders appropriately organized and separated with the tabs provided; In addition, one electronic copy of the entire Intent to Apply Packet and Application package must be provided on a thumb drive. **All electronic copies of the application must be tabbed out in accordance with the tabbing system, meaning each tab with its contents must be saved as an individual file folder containing the applicable document files.** Electronic copies by e-mail will NOT be accepted. Hard copies and electronic versions of the Intent to Apply Packet and the Application that are not appropriately organized in accordance with the tabbing system will be considered incomplete.
7. All applications, including copies, must be self-contained and complete. SC Housing will not rely on any previously submitted information, written or verbal, to evaluate applications.
8. Complete Intent to Apply Packet and Applications must include all pages and sections of the application and all items identified on the **SRDP Application Exhibit 1 – Intent to Apply and Application Tab Checklists** along with any supporting documentation. The **SRDP Application Exhibit 10 - Construction Costs Addendum** is required as part of a complete Application.
9. All documentation, unless otherwise stated in this Manual, must not be dated prior to September 1, 2022.
10. There is no fee required to submit an **Intent to Apply Packet**. A nonrefundable \$500 application processing fee must be submitted with the Application. In addition, for scattered site developments a nonrefundable processing fee of \$100 for each additional site must be submitted with the Application. The processing fees must be in the form of a cashier's check and made payable to the South Carolina State Housing Finance and Development Authority. **Applications submitted without processing fees will not be accepted or reviewed and will be returned to the Applicant.** Application fees are not reimbursable and cannot be included as a project expense on the development budget.
11. All costs incurred by the Applicant in the preparation, transmittal, or presentation of the application package are the responsibility of the Applicant.

## APPLICATION REVIEW PROCESS

SC Housing staff will review the rental applications received as outlined below:

1. Evaluation Criteria - Applications will be reviewed for, but not limited to, the following:
  - a. Mandatory threshold criteria
  - b. Compliance with federal and state laws
  - c. Application package completeness
  - d. SRDP program requirements
  - e. An underwriting evaluation to review for financial feasibility
  - f. Construction cost analysis to review for cost reasonableness
  - g. Site suitability
2. Intent to Apply Packets and Applications with the following deficiencies or concerns may be disqualified:
  - a. Application packages with four (4) or more missing and/or incomplete items may be disqualified.
  - b. Applicants with three (3) or less missing and/or incomplete items will have seven (7) business days from the date of notification to provide the information to SC Housing. Failure to meet this requirement may result in the automatic disqualification of the application.
  - c. Applications that cannot be made financially feasible during underwriting will be disqualified.

- d. Sites determined by geotechnical reports to not be well suited for building, requiring cost prohibitive site work that exceeds normal ranges, will prolong the time period of construction, or require additional testing or on-site evaluations due to undetermined soil conditions. Such determinations will be made at the sole discretion of SC Housing.
  - e. Applications with **Exhibit 10 – Construction Cost Addendums** that do not include the costs necessary to complete the project in accordance with the requirements identified in the geotechnical reports.
3. Applications deemed to be financially feasible, and consistent with SRDP policies may be recommended to the Executive Director for funding. Funding allocations will start with the highest scoring application in each set-aside and funding will continue in order until all available funds are depleted. If funding in a set-aside is not fully awarded the remaining funds will be made available to the next highest scoring applications regardless of project type.
  4. If the entire SRDP rental allocation is not exhausted during this funding round, SC Housing may elect to hold a second complete funding round or accept applications on a first come first serve basis.
  5. Proposal acceptance or rejection and utilization of unused funds are at the discretion of SC Housing staff.
  6. Conditional Commitment letter(s) will be offered to awardees. If the Conditional Commitment(s) are accepted, awardees will be required to submit FINAL plans, specifications and environmental review documents approximately three (3) months after the execution of the Conditional Commitment(s). Failure to do so may result in the commitment(s) being rescinded. The following must be submitted:
    - a. Specifications - which include all SRDP development design criteria as well as all sustainable building criteria for which points were awarded. Should submitted specifications not include such design criteria, SC Housing reserves the right to rescind the conditional commitment(s).
    - b. Final Plans for each site – **See Appendix B Development Design Criteria for plan and specification requirements and details of items that need to be submitted with the application.**
    - c. Safe Drinking Water – the architect must certify on the final plans and/or specifications that the project will be constructed using lead-free pipes, solder, and flux. Applications proposing the rehabilitation of structures built 1988 or earlier must have the pipes, solder, and flux tested for lead and include a copy of the report with the Application. Items testing positive for lead must be included in the PNA for replacement.
    - d. Soil borings – To accurately develop a construction budget, site specific soil testing is required to be submitted for each proposed site with the application. The 3<sup>rd</sup> party estimator completing the **SRDP Application Exhibit 10: Construction Cost Addendum** must certify that all recommendations and requirements of the geotechnical reports were incorporated in the site work estimate. See below or Appendix B Development Design Criteria for soil testing requirements.
  7. Noise – All projects must have an interior noise level of no more than 45 decibels (dB) in prescriptive with the outside noise level. Plans must identify the STC ratings to achieve HUD’s acceptable interior level of 45 decibels. Sites with exterior noise levels of 75 decibels or higher are not eligible for funding. A noise study must be submitted with the Application.
  8. Once Final plans and specifications have been reviewed and approved, (SC Housing’s plan and specification review does not constitute nor represent the project’s compliance with all applicable laws, codes, zoning, or ordinances or design criteria; the development team members may not rely on SC Housing or its agents for final determination.) and the proposed project has been given environmental review clearance by SC Housing and/or HUD, Funding Agreements will be offered to the Applicant. The agreements will include an Implementation Schedule that must be adhered to until project completion.
  9. The implementation schedule will include specific construction accomplishments that will require an SC Housing inspection. Should SC Housing inspectors not be notified and work continues without SC Housing inspector approval, funds may be immediately rescinded. Following are the minimum construction landmarks requiring an inspection:
    - a. Site Inspection - request when erosion/sediment controls are in place and clearing, grubbing, and rough grading is complete.
    - b. Footing Inspection – email to SC Housing’s Construction Manager and Program Coordinator pictures of dug footings with rebar in place ready for the placement of concrete. Pictures must be clear and provide location characteristics.
    - c. Foundation completion – request when foundation is complete, before the slab is poured or floor framing is finished.
    - d. Dried-in inspection – request when framing is complete to include windows and doors with exterior wrapped.
    - e. Rough-in inspection – request when electrical, plumbing, HVAC, and insulation are complete.
    - f. 75% complete Inspection – request when interior doors, trim, kitchen cabinets, etc. are installed, or when building is 75% complete. Whichever occurs first.
    - g. Pre-100% completion inspection – to be completed when punch list work is underway.

- h. 100% completion inspection – must include all items as noted on the SRDP – 5A 100% Inspection Checklist.
  - i. Change Order Review – ALL change orders must be submitted for review.
  - j. Disbursement Inspections – submit as needed.
10. One year from the execution of the written agreement(s), tangible, ongoing, and continuous construction must have started. Projects not meeting this benchmark may be cancelled.

## THRESHOLD REQUIREMENTS

Applications that do not meet the following minimum threshold requirements will be eliminated from further review.

1. Financial Capacity: Each Applicant must meet a minimum financial capacity standard based on the total number of affordable rental units to be developed:
  - a. 4 total units – Applicant must have a minimum net worth of \$500,000 and a minimum of \$75,000 in unrestricted liquid assets.
  - b. 8 – 16 total units – Applicant must have a minimum net worth of \$1 million and a minimum of \$150,000 in unrestricted liquid assets.
  - c. 17-24 total units – Applicant must have a minimum net worth of \$1.5 million and a minimum of \$200,000 in unrestricted liquid assets.
  - d. 25-39 total units – Applicant must have a minimum net worth of \$2 million and a minimum of \$250,000 in unrestricted liquid assets.

All organizations must provide audited, reviewed or compiled financial statements. If individuals are required as financial guarantors, reviewed financial statements prepared by an independent CPA will be accepted for those individuals. The Authority reserves the right to perform an independent verification of assets. Financial statements must include a balance sheet dated on or after **December 31, 2021** and are submitted with the **Intent to Apply Packet**. Applicants should refer to the definition of *Financial Statements* provided on page 4, in addition to the information and requirements below:

- i. SC Housing defines liquid assets as cash, cash equivalents, and investments held in the name of the entities and/or persons, including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered liquid assets, including, but not limited to: 1) stock held in the Applicant's own company or any closely held entity, 2) investments in retirement accounts, 3) cash or investments pledged as collateral for any liability, and 4) cash in property accounts including reserves.
  - ii. All liquid assets must be identified in the submitted financial statement.
  - iii. If no individual member of an Applicant group meets the minimum financial requirements, then members may combine assets to meet the requirements by including a combined schedule in addition to their individual statements.
  - iv. SC Housing reserves the right to verify information in the financial statements and all financial capacity statements made by Applicants, lenders, accountants, and others. If false statements are found to have been made at any point in time, all entities and/or persons associated with the application will be debarred from all SC Housing programs for three (3) years.
2. Applicants must be in good standing with all Authority and SC Housing Corporation administered programs throughout the entire application process. An **SRDP Application Exhibit 7 – Previous Participation Certification**, signed by SC Housing **prior to** application submission, must be submitted with all applications. ANY organizations, developer(s), general partner(s), or managing member(s) may be deemed not in good standing and automatically disqualified for any of the following:
    - a. Open investigation(s) involving federal and/or state officials alleging fraud, misuse, waste, or abuse of funding;
    - b. Uncorrected non-compliance violations with SC Housing or SC Housing Corporation administered programs, or uncorrected breaches of agreements in conjunction with Authority or SC Housing Corporation administered programs;
    - c. Delinquent payments owed to SC Housing, including but not limited to loan payments and compliance monitoring fees;
    - d. Developments within their affordability periods identified as financially troubled, not financially viable, having operating costs that exceed operating revenue or are at risk of foreclosure.

- e. Debarment or suspension from participation in any federal or state program (i.e. HUD Community Planning and Development Programs, RHS, FHLB, etc.) or any Authority administered programs (i.e. HOME, LIHTC, SC HTF, NHTF, NIP, NSP, etc.); and/or
- f. The Applicant's development and operational history including, but not limited to: commencing construction timely, meeting Authority deadlines without extensions, and meeting other statutory or regulatory completion deadlines. For non-federal entities, this also includes findings relevant to administering or managing housing development programs that appear in the applicant's audit conducted as required by 2 CFR Part 200, Subpart F (a.k.a. Super Circular) which have not been cleared. All Applicants must provide an **SRDP Application Exhibit 22 – Audit Certification Form** with the **Intent to Apply Packet**. Entities subject to 2 CFR Part 200, Subpart F must provide a copy of their most recent audit with the application.

SC Housing has sole discretion in the determination of good standing and this determination is not subject to reconsideration or appeal. Applicants who currently have HOME Program Income or CHDO Program Proceeds earned from SC Housing funded projects are not eligible to apply for additional funds until those funds have been expended on eligible activities or remitted to SC Housing.

- 3. Eligible Applicants must demonstrate experience and capacity to develop an eligible SRDP project as evidenced by the ability to own, construct, or rehabilitate rental housing developments. Applicants must demonstrate the capacity to successfully develop the type of units and type of construction (new construction/ being proposed in the SRDP application. Successfully developing means coordinating the development team in planning, financing and constructing a development through the receipt of Certificates of Occupancy (COs) and reaching stabilized occupancy. Applicants may use the experience of a consultant to meet these requirements. If using a consultant, the consultant must be under contract and the scope of work identified in the contract must specify the consultant's responsibilities related to the administration of the project. The services of the consultant must be utilized for the entire development phase of the project, from application submission to placed-in-service. If using the experience of a consultant the **SRDP Application Exhibit 5 – Consultant Certification** must be completed and submitted with the **Intent to Apply Packet**.

- a. Non-profit Applicants proposing a 4-unit new construction development must meet the following experience requirements:
  - i. If proposing single family rental homes, the applicant must have experience within the last ten years of successfully developing and operating a minimum of two single family rental homes or a minimum of one multi-family development consisting of at least five units.
  - ii. If proposing a multi-family rental development, the applicant must have experience within the last ten years of successfully developing and operating a minimum of one multi-family development consisting of at least five units or a minimum of five single family units.
- b. Applicants proposing 8-39 unit new construction developments must meet the following experience requirements:
  - i. If proposing single family rental homes, the applicant must have experience within the last ten years of successfully developing and operating a minimum of four single family rental homes or one multifamily development consisting of at least five units using at least one federal funding source.
  - ii. If proposing multi-family rental housing, the applicant must have experience within the last ten years of successfully developing and operating a minimum of two multi-family developments of at least five units each or eight single family homes, using at least one federal funding source in each development.
- c. Applicants proposing rehabilitation developments must meet the following experience requirements:
  - i. If proposing the rehabilitation of single-family homes requiring lead and/or asbestos abatement, the applicant must have experience within the last ten years successfully completing the rehabilitation of and operating at least one single family home that required the abatement of lead and/or asbestos.
  - ii. If proposing the rehabilitation of a multi-family development requiring lead and/or asbestos abatement, the applicant must have experience within the last ten years of successfully completing the rehabilitation of and operating at least one multi-family development of at least five units that required the abatement of lead and/or asbestos.
  - iii. If proposing the rehabilitation of single family or multi-family developments that require the permanent relocation of tenants, the applicant must have experience within the last t years of successfully administering the permanent relocation of tenants in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) 49 CFR Part 24 and Section 104(d) 24 CFR Part 42 regulations.



4. Under no circumstances may an awardee and their principals have more than two open SRDP projects at any time. In order to be eligible to participate in the 2023 SRDP application cycle, previous HOME and NHTF awardees and their principals must have met the below deadlines. An **SRDP Application Exhibit 7 – Previous Participation Certification**, must be submitted with the **Intent to Apply Packet**.
  - a. All **2019** and prior projects must be officially closed out (see “project completion” definition) on or before **March 1, 2023**.
  - b. All **2020** projects must have 75% construction completed on or before **March 1, 2023**, as evidenced by a completed SC Housing inspection.
  - c. **2021** projects must have started vertical construction as of **March 1, 2023**, as evidenced by a completed SC Housing inspection.
5. Applicants that are related entities, principals, and/or individuals and are applying for funds are only eligible to apply for two (2) SRDP awards and may only be allocated one (1) SRDP award. For purposes of this section, SC Housing may determine that a person or entity not listed in an application is a related entity, principal and/or individual based on its relationship with the applicant organization in previously awarded projects and other common interests. At the discretion of SC Housing, if funding remains available after each applicant organization has the opportunity to be allocated at least (1) SRDP award for a qualified application, an organization’s second application may be considered for allocation. The allocation of a second award will be determined by the applicant’s developmental and operational history and the geographic distribution of awards.
6. A Phase I Environmental Site Assessment report completed in accordance with ASTM Standard E1527-21 must be submitted for each site with the Application. A combined report may be submitted if the proposal is for a scattered site project. Phase I reports must be completed to assess the entire parcel and any off-site areas of disturbance. If the Phase I indicates that there are environmental issues found on, within, or adjacent to the proposed site(s), which will require a Phase II ESA, then the applicant must also submit a Phase II ESA with the application. HOME and/or NHTF funds will not be awarded to developments which require any type of lengthy mitigation for environmental conditions, other than lead-based paint and/or asbestos. Lengthy mitigation is considered to be mitigation that is expected to take longer than six (6) months.
7. Applicants must have site control of the proposed site(s):
  - a. All Applicants must provide an option, sales contract, or a warranty deed in the name of the Applicant for the proposed project site. Deeds without warranty (special or limited), and quitclaim deeds are not acceptable.
  - b. Applicants are allowed to enter into options or sales contracts for property prior to the completion of the environmental review if, and only if, the option or sales contract is conditional in nature so as not to provide legal claim to any amount of SRDP funds to be used for the specific project or site until the environmental review process is satisfactorily completed.
  - c. For all projects requesting SRDP funds, the following language **must be** included in any purchase option or purchase contract or included as an executed addendum attached to one of these documents. *"Notwithstanding any provision of this Agreement, if U.S. Department of Housing and Urban Development (HUD) funds are used, including, but not limited to HOME funds, the parties agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of an environmental review and receipt of a release of funds notice from the U.S. Dept. of HUD under 24 CFR Part 58. The parties further agree that the provision of any federal funds to the project is conditioned on the determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. If no HUD funds are utilized in regard to this property, this provision shall be considered null and void."*
  - d. An **SRDP Application Exhibit 15 - Notice to Seller** for the Acquisition of Property with Federal Funds is required for all Applicants acquiring property. It must be executed prior to or at the time of the execution of the option or contract and must be submitted with the application.
  - e. Sites may not be added once an application is submitted.
8. Zoning – The Applicant must provide and have in place at the time of Application documentation of proper zoning for the proposed site. The land use requirements for each site on which the development will be located must be zoned for or allow for the type of development being proposed in the application. All special/conditional uses specific to zoning approval must be approved and completed. A letter provided from the City/County official should verify that the proposed development site(s) currently meet the local zoning or land use restrictions.
9. Uniform Relocation Act Requirements – Applicants must provide **ALL** of the following for projects involving temporary or permanent relocation of tenants:
  1. Documentation that an **SRDP Application Exhibit 16A or 16B General Information Notice** was provided to each tenant residing in the development prior to or at the time of the Initiation of Negotiations (refer to definition on page 5).

Acceptable documentation of delivery is a signature of the tenant acknowledging receipt of the General Information Notice or documentation of delivery by shipping service or USPS.

2. A rent role current at the time of the Initiation of Negotiations, certified by the property manager or property owner that clearly identifies which units are occupied and which units are vacant.
  3. An **SRDP Application Exhibit 17 - Tenant Profile Form** completed for each tenant household.
  4. Copies of all **SRDP Application Exhibit 18 - Move-In Notices** provided to prospective and new tenants after the General Information Notices were provided to all occupied units.
  5. A written **Relocation Plan** that addresses how the following relocation requirements will be managed by the Applicant: Timely notifications, advisory services, moving expense calculations and payments, comparable replacement units and payments, written notification requirements, etc.
10. Physical Needs Assessment – A physical needs assessment no older than six (6) months that meets the requirements described in **Appendix C – Rehabilitation Guidelines** must be submitted at the time of the Application for all projects involving rehabilitation. The application must include a narrative explaining any construction costs included in the **SRDP Application Exhibit 10 - Construction Cost Addendum** that are not specified in the PNA.
11. Lead-based Paint Requirements – An **SRDP Application Exhibit 19 - Lead Safe Housing Rule Applicability Form** must be submitted by **ALL** Applicants for each site. This includes Applicants proposing new construction developments. Applicants proposing the rehabilitation or conversion of properties built prior to 1978 must also provide a Lead Based Paint Risk Assessment that is no older than six (6) months. The Risk Assessment must be completed by an EPA certified professional.
12. Safe Drinking Water Requirements – All applicants proposing the rehabilitation or conversion of a building built in 1988 or earlier must have the pipes, solder, and flux tested for lead. A copy of the test results must be provided with the Application.
13. Asbestos Requirements – All applicants proposing the demolition, rehabilitation or conversion of existing structures must provide an Asbestos Inspection Report to determine the presence and location of regulated and non-regulated ACM, and to assess the condition of materials identified as ACM. Asbestos Inspection Reports must be completed by a DHEC licensed asbestos building inspector and may not be more than six (6) months old.
14. All new construction developments and additions or new buildings added to rehabilitation projects must submit a complete geotechnical site-specific soils report and boring site plan with laboratory test results Reports must be no more than six months old at the time of Application and may be no older than one year at the time of the submission of final plans.
- a. The soils report and boring site plan must reflect the results of the laboratory tests conducted on a minimum of:
    - i. One soil test boring with Split-Spoon samples and Standard Penetration Resistance test a minimum of 20 feet deep (borings must extend past all planned excavations and cut depths) per every 3,000 square feet of planned building('s) footprint, at least one boring per building regardless of square footage.
    - ii. One soil test boring with Split-Spoon samples and Standard Penetration Resistance test a minimum of 10 feet deep (borings must extend past all planned excavations and cut depths) per every 300 linear feet of roadway.
    - iii. One soil test boring with Split-Spoon samples and Standard Penetration Resistance test a minimum of 10 feet deep (borings must extend past all planned excavations and cut depths) for every 3,000 square feet of the planned paved parking areas of the development.
- OR:**
- i. One Cone Penetration Test (CPT) a minimum of 20 feet deep (probe/cone must be extended past all planed excavations and cut depths) per every 3,000 square feet of planned building ('s) footprint, at least one boring per a building regardless of square footage.
  - ii. One Cone Penetration Test (CPT) a minimum of 10 feet deep (probe/cone must be extended past all planed excavations and cut depths) per every 300 linear foot of road way.
  - iii. One Cone Penetration Test (CPT) a minimum of 10 feet deep (probe/cone must be extended past all planed excavations and cut depths) for every 3,000 square foot of at the planned paved parking areas of the development.
- b. A registered professional engineer or a certified testing agency with a current license to practice in the state of South Carolina must prepare the report.
  - c. All geotechnical recommendations must be incorporated into the plans and **Exhibit 10 Construction Cost Addendum**.



# SCORING CRITERIA

Points will be awarded as outlined in this section. Both positive and negative points may be assessed.

## Performance Issues - SC Housing Programs

Negative points will be assessed on the Applicant's previous performance with any of SC Housing's Programs.

1. Applicant was suspended from participating in any SC Housing program, at any point in time, regardless of whether or not the suspension has been lifted. **-15 Points**
2. Awarded funds were de-obligated or rescinded by SC Housing for lack of progress or an inability to complete the project. Negative points will not be assessed for de-obligated/rescinded funds when issues regarding a project progressing were beyond an awardee's control as determined by SC Housing. **-10 Points**
3. The Applicant received a HOME or NHTF award within the last five years that took more than 42 months to complete. **-10 Points**

## **NEW CONSTRUCTION SCORING CRITERIA**

### **Positive Site Characteristics:**

#### **1. Distance to Amenities**

The driving distance will be the mileage as calculated by Google Maps and must be a drivable route as of the application deadline. The drivable route must be shown in satellite view map format along with written directions. A labeled photo of each amenity must also be provided. The measurement will be at any point of the site's road frontage to or from the amenity entrance and the same site entrance will be used for all measurements. Driveways, access easements, and other distances in excess of 500 feet between the nearest residential building of the proposed development and road shown on Google Maps will be included in the driving distance.

A single establishment may qualify for points under multiple categories.

Maximum Points - 26	Distance in Miles			
	<1	<1.5	<2	<3
Primary Amenities	<1	<1.5	<2	<3
Grocery	12	10	8	6
Shopping	7	6	5	4
Pharmacy	7	6	5	4
Maximum Points - 15	Distance in Miles			
	<1	<1.5	<2	
Secondary Amenities	<1	<1.5	<2	
Other Primary Amenity	5	4	3	
Services	3	2	1	
Healthcare	3	2	1	
Public Facility	3	2	1	
Public Schools	3	2	1	
Senior Center	3	2	1	
Retail	3	2	1	

**Full Service Grocery Store** – must be part of a chain and operate with regular business hours offering a full range and variety of foods, cleaning and paper products. The variety of food must include: 1.) meats, poultry, and fish; 2.) breads and cereals; 3.) fresh vegetables and fruit; and 4.) dairy products.

**Shopping** – a big box store, shopping plaza or mall containing multiple stores stocked with many varieties of goods including all of the following: 1.) clothing; 2.) housewares; 3.) cleaning products; 4.) general over the counter medicine and first aid products; 5.) personal hygiene products.

**Pharmacy** – does not include specialty pharmacies or drug services; or pharmacies or drug stores only available for patients of a designated medical practice or facility.

**Other Primary Amenity** – second Grocery Store, Shopping or Pharmacy meeting the above requirements not used as a Primary Amenity.

**Services** – restaurant, bank/credit union, or gas station with convenience store.

**Healthcare** – hospital, urgent care, general/family practice, or general dentist. Does not include medical specialists.

**Public Facility** – Include the following: 1.) community center with scheduled activities operating by a municipality; 2.) public park owned and maintained by a municipality containing at a minimum commercial playground equipment, and/or walking/bike trails, is listed on a map, website or other official means (greenway or trailhead does not qualify); 3.) library operated by a municipality and open a minimum of five days a week.

**Public Schools** – only eligible for family developments.

**Senior Centers** – only eligible for senior developments.

**Retail** – any grocery store or shopping not listed as a primary or other amenity; any strip shopping center with a minimum of four (4) operating establishments; or any general merchandise establishment. All establishments must be open to the general public and operating as of the application deadline with no announced closing prior to the notification of final point scores.

2. **Employment Opportunities:** Up to **10** points based on the number of jobs paying between \$1,251 and \$3,333 per month in a one-mile radius for Aiken, Anderson, Beaufort, Berkeley, Charleston, Dorchester, Georgetown, Greenville, Horry, Jasper, Lancaster, Lexington, Richland, Spartanburg and York counties and a two-mile radius for Abbeville, Allendale, Bamberg, Barnwell, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Fairfield, Florence, Greenwood, Hampton, Kershaw, Laurens, Lee, Marlboro, Marion, McCormick, Newberry, Oconee, Orangeburg, Pickens, Saluda, Sumter, Union, and Williamsburg counties as displayed on the U.S. Census Bureau's OnTheMap tool for the Longitudinal Employment Household Dynamics database. The Authority will use the most current year available as of the application deadline.

Applications will earn points as follows:

- 10 points for at least 5,000 jobs.
- 8 points for 4,000 to 4,999 jobs.
- 6 points for 3,000 to 3,999 jobs.
- 4 points for 2,000 to 2,999 jobs.
- 2 points for 1,000 to 1,999 jobs.

3. **5** points for being located entirely within a Qualified Opportunity Zone (QOZ).

4. **5** points for not being located in a Racially or Ethnically Concentrated Area of Poverty (R/ECAP) as defined by the U.S. Department of Housing and Urban Development. [Racially or Ethnically Concentrated Areas of Poverty \(R/ECAPs\) | Racially or Ethnically Concentrated Areas of Poverty \(R/ECAPs\) | HUD Open Data Site \(arcgis.com\)](#)

**Negative Site Characteristics:**

For the detrimental characteristics below, the distance is the shortest straight line from the closest site boundary to the closest boundary line of the detrimental characteristic. When a detrimental site characteristic is located on a parcel shared by multiple businesses, the measurement is to the parcel boundary line. The determination is as of the time of the site visit and may include characteristics under construction.

1. **1 point** deducted for each instance of a site within:

- a. five hundred (500) feet of an easement containing an electric substation, whether it is active or inactive
- b. one-half (1/2) mile of an operating commercial beef/hog/chicken/turkey farm or processing plant
- c. one-half (1/2) mile of a treatment, storage, or disposal facility for hazardous wastes, an active or inactive solid waste disposal facility and/or solid waste transfer facility
- d. one-half (1/2) mile of a sewage treatment plant

- e. one-quarter (1/4) mile of any jail, prison, detention center or correctional facility (not including a temporary holding facility).
2. **2 points** deducted where any portion of the site contains or permits any easements for overhead electric power lines and/or such electric power lines encumber the site. The loss of points will not apply if:
  - a. the lines are used for the distribution of electric service for other unrelated properties and located within 25 feet of the perimeter of the site so long as no portion of any building or proposed building is beneath such power lines, or
  - b. the application includes documentation from the utility provider stating all power lines will be underground.
3. **3 points** deducted for each instance of a site within:
  - a. Five hundred (500) feet of any commercial junkyard or salvage yard; trash heap, landfill, dump pile, or other eyesore
  - b. One-half (1/2) mile of an operating industrial facility including but not limited to: steel manufacturers, oil refineries, ports, chemical plants, plastic manufacturers, automotive and engine parts manufacturers and food processing plants.
4. **5 points** for projects proposing a new phase of an existing project. This does not apply to a new phase of a scattered site project.

**Affordable Housing Shortage:**

A total of **5 points** may be awarded based on the local shortage of affordable housing.

1. 5 points for developments located in a county that did **not** receive an SRDP award in the last five years (2018, 2019, 2020, 2021, and 2022).
2. 3 points for developments located in a county that did **not** receive an SRDP award in the last three years (2020, or 2021, or 2022).

**Sustainable Building:**

Applications will earn **5 points** for committing to meet green and energy efficiency sustainable building requirements for one of the following sustainable building certifications:

1. Enterprise’s Enterprise Green Communities certification program (following Enterprise Green Communities protocol under the guidance of an Enterprise Qualified TA provider);
2. US Green Building Council’s LEED for Homes certification program;
3. Home Innovation Research Lab’s National Green Building Standard, meeting Bronze level or higher; or
4. Southface Energy Institute and Greater Atlanta Home Builders Association’s EarthCraft certification programs, based on development type.
5. High Performance Building Council of the BIA of Central SC, Certified High Performance (CHIP) HOME Program.

The application must include an **SRDP Application Exhibit 24 – Sustainable Building Certification** from a responsible green and/or energy professional affiliated with the certifying party selected that the project will meet such requirements. In addition, the credentials of the green and/or energy professional or firm must be provided with the application.

**Leveraging:**

Applications may receive up to **20 points** for leveraging outside funds. The application must include an executed commitment letter(s) to receive points.

1. Applications will earn **1 point** for each percentage point of total development cost funded through a source other than SC Housing, up to a maximum of **10 points**. All outside funds must be provided in the form of a grant, in-kind contribution, or equity investment.
2. Additionally, up to **10 points** will be awarded for documented financial support from a city, county, or other local government. Funding may be appropriated directly by a public entity and/or awarded by a non-profit organization financially supported by a local government, such as a local housing trust fund. In-kind contributions will be evaluated at fair market value. Applications will earn points based on the total amount or value of support committed per development:
  - **10 points** for \$300,001 or more
  - **8 points** for \$200,001 to \$300,000
  - **6 points** for \$100,001 to \$200,000
  - **4 points** for \$50,001 to \$100,000
  - **2 points** for \$1,000 to \$50,000

**Site and Neighborhood Standards:**

Applications proposing developments that will not be located in area of minority concentration as defined by 24 CFR 983.57(e)(3). will receive **5** points. Refer to pages 29 – 31 for information about Site and Neighborhood Standards requirements.

### **Supportive Housing:**

5 Points for Applicants agreeing to set-aside a minimum of twenty percent (20%) of the units for permanent supportive housing. To qualify for points the supportive housing development must provide a minimum of three (3) supportive services, the development must meet the definition provided on page 5, a narrative must be provided explaining how the units will be affordable to the population identified and explain who will provide the services and how the services will be provided for the duration of the affordability period, and in addition, commitment letters must be provided from the supportive service providers.

**In total, new construction projects are eligible to receive a total of 101 points.**

### **Evaluation of Rehabilitation Applications**

SC Housing will evaluate rehabilitation applications comparatively based on the following criteria, listed in order of importance.

- A. Preventing of the conversion of affordable units to market rate and/or the loss of government housing resources (including federal project-based rent assistance).
- B. The extent of physical distress, particularly with major systems, accessibility, and/or life, health and safety features, as informed by the Physical Needs Assessment and determined by SC Housing. Failure to properly maintain the buildings will not enhance an application's likelihood of award if a member of the current owner's organizational structure or a related party will remain part of the new ownership.
- C. The project is within an area covered by a Concerted Community Revitalization Plan.
- D. The degree to which the project site and its surroundings support the economic empowerment of low-income households.

**Applications proposing rehabilitation will be scored out of a total of one hundred (100) possible points, to be allocated as follows:**

**Criterion A (40 points): Preventing of the conversion of units to market rate and/or the loss of government housing resources (including federal project-based rent assistance).**

**Item 1 (20 points):** Whether the property is or will become financially insolvent on or before December 31, 2025. This determination will be made by SC Housing underwriting and asset management staff. Applications will include pro forma statements and any other evidence and documentation that will support assertions that the investment is necessary. SC Housing staff may request any and all additional materials needed to fully evaluate financial conditions. If the actions of one or more members of the ownership structure, or subsidiaries thereof, are determined by SC Housing staff to have materially contributed to the financial risks facing the property, then the application will receive zero (0) points for this item.

**Item 2 (10 points):** Whether the property has existing rent restrictions due to governmental funding sources that will expire. Applications with the shortest such times will be given highest consideration. If a project has received capital financing from multiple sources, only the longest such period will be considered. If the project did not receive SC Housing funds and is not identified in the National Housing Preservation Database (NHPD), or the affordability period does not match NHPD records, a signed letter must be included from the applicable funding entity (e.g., HUD office, local government, etc.) indicating the nature and duration of rent restrictions.

**Item 3 (10 points):** What is the percentage difference between the existing rents and the rents charged by market rate properties within the primary market area, as determined by the included market study/analysis? Applications with the largest such minimum rent advantages will be given highest consideration. If there is a mix of unit sizes in the property, as determined by the number of bedrooms, rent advantages should be computed separately, then aggregated using a weighted average. For example, if a project consists of eight one-bedroom units that have a minimum 40% rent advantage and twelve two-bedroom units that have a minimum 30% rent advantage, the overall minimum rent advantage would be 34%.

**Criterion B (30 points): The extent of physical distress, particularly with major systems, accessibility, and/or life, health and safety features, as informed by the Physical Needs Assessment and determined by SC Housing. Failure to properly maintain the buildings will not enhance an application's likelihood of award if a member of the current owner's organizational structure or a related party will remain part of the new ownership.**

Note: If the actions of one or more members of the proposed ownership structure, or subsidiaries thereof, are determined by SC Housing staff to have materially contributed to physical deficiencies facing the property, then the application will be ineligible for consideration under this criterion and receive zero (0) points for all items.

**Item 1 (15 points):** What is the likelihood that the property will present a substantial risk to the life, health, safety, and/or well-being of residents on or before December 31, 2026, without the requested capital infusion? This determination will be made by SC Housing construction staff based on the Physical Needs Assessment. SC Housing staff may request any and all additional materials needed to fully evaluate physical conditions.

**Item 2 (10 points):** What is the total replacement cost per unit of all systems and components that have already exceeded their estimated useful life, according to Fannie Mae tables? Applications with the highest such values will be given highest consideration. This determination will be made by SC Housing construction staff based on the Physical Needs Assessment. SC Housing staff may request any and all additional materials needed to fully evaluate physical conditions.

**Item 3 (5 points):** To what extent will the proposed rehabilitation improve the accessibility of the property for persons with mobility and/or sensory impairments? Applicants are encouraged to include narratives that indicate such improvements; SC Housing staff may request any and all additional materials needed to fully evaluate proposed accessibility. Increases in the number of accessible units, improvements in quality of accessibility features in such units, and upgrades in accessibility throughout common areas will be considered.

**Criterion C (20 points): The project is within an area covered by a Concerted Community Revitalization Plan.**

1. An application will receive up to **20** points for the following for the following Concerted Community Revitalization Plan (CCRP) components:
  - a. **4** points for map of the area, that includes the project's location and a thorough description of the community, including:
    - a justification for why the area is neither too large to be a target for concerted investment nor too small to represent a meaningful section of the community;
    - a thorough description of the physical, economic, and demographic characteristics of the community;
    - a comprehensive survey of community amenities that currently exist, including employment, commercial facilities, transportation options, and public amenities; and
    - a record of all residential, commercial, industrial, and/or civic developments that have taken place over the last five years.
  - b. A plan for the next five years of investment in the community, including:
    - **2** points for any planned residential, commercial, retail, industrial, and/or civic developments or as related service improvements and other accomplishments demonstrating broad-based revitalization activity in the area;
    - **2** points for a detailed description of all funding sources committed to community redevelopment;
    - **2** points for a plan to utilize sustainable mixed-income policies to prevent the concentration of poverty;
    - **2** points for an accounting of the potential barriers to success and how to overcome them.
  - c. **4** points for documentation showing the CCRP was developed involving extensive input from the general public, elected officials, and private stakeholders.
  - d. **4** points if at least one building in the development would be located in a Qualified Census Tract (QCT).
2. Alternatively, for **5** points, the application may include a letter detailing measures taken by the local government (city or town if within an incorporated area or the county if not) to increase the quantity of affordable housing and develop a resilient community. Policies include, but are not limited to,
  - accessory dwelling unit legalization,
  - community land trusts,
  - density bonuses,
  - eviction and homelessness diversion programs,
  - housing trust funds,
  - intergovernmental collaboration,
  - sale or lease of publicly owned land for affordable housing,
  - source of income laws,
  - zoning reforms that expand housing choice, and
  - any activities that affirmatively further fair housing.

The application must include documentation, in the form of a local government ordinance or other official publication, to verify all claims.

**Criterion D (10 points): The degree to which the project site and its surroundings support the economic empowerment of low-income households.**

**Item 1 (5 points):** Projects will be evaluated based on the site’s score for the distance to amenities as described in the Positive Site Characteristics section of the SRDP new construction scoring criteria. 1 – 20 = 2 points, 21 – 30 = 3 points, and 31 – 41 = 5 points.

**Item 2 (5 points):** Projects will be evaluated based on local employment opportunities as described in the Employment Opportunities section of the SRDP new construction scoring criteria.

### **Tie Breaker Criteria**

The following factors will be used in the order listed to break a tie.

- A. If two or more projects have the same score, a permanent supportive housing project will receive priority over standard rental housing.
- B. If this does not break the tie, a project in a county that has never received a Small Rental Development Program award will receive priority over one that has.
- C. If this does not break the tie, the project with a higher share of total development cost funded from a source other than SC Housing will receive preference.
- D. If projects remain tied after all above tie breakers have been applied, SC Housing will utilize a lottery.

## **REGULATORY AND PROGRAMMATIC GUIDELINES**

### **1. GUIDELINES**

- a. Applicants must have identified specific site(s) or project and have site control of the property at the time of application submission.
- b. Sites submitted as part of an application must be used exclusively for the proposed project. Sites part of a larger parcel which will be delineated at a later time, must be delineated prior to closing the SC Housing loans. A map of the entire parcel must be provided that clearly indicates where the property lines for the subdivided project site(s) will be located.
- c. All projects are subject to HUD regulations and all other applicable federal and state requirements.
- d. An **SRDP Application Exhibit 1 - Application Tab Checklist** is provided to identify the required documentation and its placement in the SRDP Application Packages.

### **2. PROPERTY STANDARDS**

- a. Applicants must adhere to the written standards and specifications developed by SC Housing as well as to all Federal, State and local standards, codes, ordinances, and zoning requirements in order to use SRDP funds for any activity.
- b. Applicants must adhere to all development design criteria included in this Application Manual as well as all development design criteria chosen for points.
- c. Where relevant, the housing must be constructed to mitigate the impact of potential disasters (e.g. earthquakes, hurricanes, flooding, and wildfires), in accordance with State and local codes, ordinances, or other State and local requirements, or such other requirements as HUD may establish.

### **3. SITE & NEIGHBORHOOD STANDARDS**

Housing provided through the SRDP program must promote greater choice of housing opportunities.

- a. All housing must be suitable from the standpoint of facilitating and furthering full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d), Title VIII of the Civil Rights Act of 1968, as amended “The Fair Housing Act” (42 U.S.C. 3601) and Equal Opportunity in Housing (Executive Order 11063).

- b. Sites proposed for new construction developments or rehabilitation that includes increasing the number of units in an existing development must:
1. be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
  2. have utilities available and have adequate streets to service the site;
  3. not be located in areas of minority concentration or in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents
- i. Minority concentration, for purposes of this section, shall be defined as census tracts where the percentage of the total minority population and/or the population of any minority group listed below is greater than or equal to twenty percentage points higher than the population of the same group for the State as a whole. Those proposals which are located in a census track where the percentage of the total minority population and/or the population of a minority group is greater than or equal to the percentages listed below are deemed areas of minority concentration:

Minority Group	Statewide	Equal To or Greater Than
Total Minority Population	33.8 %	33.8 + 20 = <b>53.8 %</b>
Black or African American	27.9 %	27.9 + 20 = <b>47.9 %</b>
American Indian and Alaska Native	0.4 %	0.4 + 20 = <b>20.4 %</b>
Asian	1.3 %	1.3 + 20 = <b>21.3 %</b>
Native Hawaiian and Other Pacific Islander	0.1 %	0.1 + 20 = <b>20.1 %</b>
Hispanic or Latino	5.1 %	5.1 + 20 = <b>25.1 %</b>

Source: U.S. Census Bureau, 2010 Census (this is still the most recent data)

To determine whether a project is located in an area of minority concentration, SC Housing will use the 2010 U.S. Census Bureau data for the census track where the project is located:

- Go to <https://www.ffiec.gov/census/default.aspx>
  - Scroll down the list of states, select "45- SOUTH CAROLINA (SC)," then click "RETRIEVE BY COUNTY."
  - Scroll down the list of counties, select the county in which you're the site is located, then click "GET TRACT LIST."
  - Scroll down the list of tracts, select the tract in which the site is located, then click "GET CENSUS DEMOGRAPHIC."
  - Under the header labeled "Data Report Links," click on the word "Population."
  - Print the report and submit it with the application.
- ii. The two available exceptions to the prohibition against being located in an area of "minority concentration" as defined above are identified in 24 CFR 983.57(e)(3). They include:
1. The project is necessary to meet overriding housing needs that cannot be met in the housing market area.  
To meet this exception, the overriding housing need must not be caused by the fact that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable. For example, the site is integral to the overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area.")
  2. Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration.  
To meet this exception, units may be considered comparable opportunities if they have the same household type (elderly, disabled, family, large family) and occupant type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition. Additionally, there must be an assessment of the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration which must take into account the extent to which the following factors are present, along with



other factors relevant to housing choice:

- a significant number of assisted housing units are available outside areas of minority concentration;
- significant integration of assisted housing projects constructed or rehabilitated in the past 10 years relative to the racial mix of the eligible population;
- whether there are racially integrated neighborhoods in the locality;
- programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration;
- minority families have benefited from local activities (*e.g.*, acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration;
- a significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs; and
- comparable housing opportunities have been made available outside areas of minority concentration through other programs.

Units produced under this exception should produce a reasonable distribution of assisted units each year that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

- iii. Should a proposal be located in an area of minority concentration but is eligible for an exception, the Applicant must provide SC Housing with an opinion letter that adequately addresses which exception applies and why. SC Housing will allow information gained from discussions with city/county officials to be part of the letter if clearly relevant to one of the listed exceptions. Documentation should be attached in support of the letter. For example, if a development is located in a designated "Revitalization Area," documentation evidencing the designation must be included. Opinion letters for exception 1 must be prepared and signed by the locality. Opinion letters for exception 2 must be prepared and signed by the Market Study Analyst. ***An SRDP Exhibit 20A – Site and Neighborhood Standards Letter*** is provided as sample letter.
4. promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
  5. not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
  6. be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents;
  7. except for new construction housing designed for elderly persons, travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.
- c. If SC Housing determines any detrimental site characteristics exist on, adjacent to, or within unallowable distances from the site, SC Housing may reject the application.
  - d. Complete and submit an ***SRDP Application Exhibit 20B - Site and Neighborhood Standards Certification***.

#### 4. INCOME TARGETING

##### a. HOME Income Targeting

1. **INITIAL OCCUPANCY** - Rental housing will qualify as affordable only if the project meets the following requirements at initial occupancy:
  - i. Four or less HOME-assisted units – all HOME-assisted units occupied by families who have annual incomes that are sixty percent (60%) or less of the area median income, adjusted for family size;
  - ii. Five or more HOME-assisted units:
    - 1) At least twenty percent (20%) of the units occupied by families who have annual incomes that are fifty percent (50%) or less of the area median income, adjusted for family size;
    - 2) The remaining units must be occupied by families who have annual incomes that are sixty percent (60%) or less of the area median income, adjusted for family size;



2. **LONG TERM OCCUPANCY** - Applicants are required to maintain the following occupancy requirements throughout the affordability period:
  - i. Four or less HOME-assisted units - all HOME-assisted units occupied by families who have annual incomes that are eighty percent (80%) or less of the area median income, adjusted for family size;
  - ii. Five or more HOME-assisted units:
    - 1) At least twenty percent (20%) of the units must be occupied by households with incomes at or below fifty percent (50%) of the area median income, adjusted for family size.
    - 2) The remaining HOME-assisted units may be occupied by households with incomes at or below eighty percent (80%) of the area median income, adjusted for family size.
- b. **NHTF Income Targeting** - All NHTF-assisted units are to be rented to extremely low-income tenants. Such tenants are those households with incomes at or below 30% AMI or the federal poverty line, whichever is greater.
- c. **SC HTF Income Targeting** - all HTF assisted units must be occupied by families who have annual incomes that are eighty percent (80%) or less of the area median income, adjusted for family size;
- d. **Determining Annual Income** - An Applicant must determine that each potential tenant (individual or family) is income eligible by determining the family's anticipated annual income as defined in 24 CFR Part 5.
  1. Income must be examined and verified by using third party source documents evidencing annual income (e.g., wage statement, interest statement, and unemployment compensation statement) for the family. In verifying incomes for potential beneficiaries, Applicants should use SC Housing's "Determining Income Manual" which can be downloaded from SC Housing's website by going to this web address:  
<http://www.schousing.com/library/Monitoring/DetermineIncomeManual.pdf>
  2. Income limits are updated annually by HUD. Current Income limits can also be downloaded from SC Housing's website: <https://www.schousing.com/Home/PartnerIncomeLimits>.

## 5. RENT LEVELS

- a. Rents amounts will be determined on an annual basis by HUD and are restricted for the length of the applicable affordability period.
- b. The HOME Final Rule and NHTF Interim Rule require approval of all rents on an annual basis for developments with HOME or NHTF-assisted units. The approval process will be handled by the Compliance Monitoring Department. A HOME/SCHTF/NHTF Rent Approval Worksheet will be submitted to Compliance Monitoring staff to begin the approval process.
- c. Current Rent limits can be downloaded from SC Housing's website:  
<https://www.schousing.com/Home/PartnerIncomeLimits>.
- d. The rents, as listed, include all applicable utilities. Utilities paid by tenants must be subtracted from the rents to determine the maximum allowable rent. Rents may increase or decrease from year to year. Applicants must use the Utility Allowances provided on SC Housing's website ONLY. These utility allowances are based on the HUD Model. The Utility Allowances can be found by going to the following web address:  
<https://www.schousing.com/Home/UtilityAllowances>
- e. Rents are not necessarily representative of current market conditions for projects. The rents are calculated by HUD annually.

## 6. AFFORDABILITY REQUIREMENTS

- A. HOME assisted new construction units must remain affordable throughout a twenty (20) year affordability period. The required period of affordability for HOME assisted rehabilitation units is determined by the amount of funds invested per unit:
  - a. Under \$15,000 per unit = 5 years
  - b. \$15,000 to \$40,000 per unit = 10 years
  - c. Over \$40,000 per unit – 15 years
- B. All NHTF assisted units must remain affordable throughout a thirty (30) year affordability period.
- C. All SC HTF assisted units must remain affordable throughout a twenty (20) year affordability period.

## 7. FIXED AND FLOATING UNITS

Unless otherwise determined by SC Housing all units will be fixed not floating. Fixed units are specific units that are designated as HOME, NHTF, or SC HTF assisted units and therefore, subject to each program's rent and occupancy requirements. The

unit's designation never changes. Applicant's will need to keep this in mind when determining which units will be selected to meet Section 504 requirements. Units designated for higher income households will provide the project owner with the most opportunities to lease 504 units to disabled income qualified tenants.

## 8. TENANT SELECTION PROCEDURES

There must be a formal written document that contains policies and criteria that are compliant with all fair housing laws and regulations that describes how tenant selections are made. The document must:

- a. Be consistent with the purpose of providing housing for very low and low-income families;
- b. Be reasonable but adhere to Program eligibility and acceptance requirements;
- c. Give consideration to housing needs of families with federal preferences for admission to Section 8 and public housing;
- d. Detail that tenants will be selected in chronological order from a written waiting list;
- e. Establish a policy which ensures prompt written notification will be given should a tenant be rejected and the grounds for such rejection.

## 9. RELOCATION

1. All HOME and NHTF projects are subject to the Uniform Relocation Act (URA).
2. According to Federal Regulations, residential tenants may be eligible for permanent or temporary relocation. Relocation payments and other relocation assistance for both permanently and temporarily relocated tenants, both residential and business, are eligible HOME, NHTF or NSP project costs.
3. All residential tenants in place prior to the submission of an application for rehabilitation must be provided the opportunity to lease and occupy a suitable, decent, safe, sanitary and affordable dwelling unit in the building(s) upon completion of the project. Existing tenants can only be evicted for cause. Documentation must be maintained that demonstrates reasons for evictions. Not renewing the lease of an existing tenant due to credit score or criminal background history is considered permanent displacement and is prohibited.
4. If the rehabilitation is such that it will require the tenant to be temporarily relocated, the associated costs (i.e. moving costs, utility transfer fees, etc.) incurred by the tenant are an eligible cost of the project. Tenants that are the legal residents residing in a unit at the project at the time of application submission must be provided certain protections. These include:
  - a. Written notices referred to as "General Information Notices" that inform tenants of their right to remain in the unit or the need to be temporarily or permanently relocated;
  - b. Payments for the cost of temporary relocation;
  - c. Payments to those tenants which are required to move permanently.
5. Units occupied by over-income tenants cannot be designated as affordable units.
6. All Applicants proposing projects involving temporary or permanent relocation must provide the following with the Application:
  - a. A completed **SRDP Application Exhibit 17 - Tenant Profile Form** for all households in occupied units;
  - b. A copy of the General Information Notice (SRDP Application Exhibits 16A or 16B), that was provided to each household AND a copy of the documentation indicating that it was delivered. General Information Notices may be delivered by certified mail, return receipt requested or in-person. Documentation of the method of service, as well as the tenants served, must be submitted as part of the application. Failure to follow these requirements will disqualify the application from funding consideration.
  - c. A certified rent roll current as of the date of the "Initiation of Negotiations" that identifies which units are occupied and which are vacant.
  - d. After all existing tenants have been provided General Information Notices any new tenants or potential tenants must be provided an **SRDP Application Exhibit 18 - Move-In Notice**. The Move-In Notice notifies new or prospective tenants that they are not eligible for relocation benefits. Copies and documentation of receipt of any "Move-In Notices" that have been provided to new tenant and potential tenants seeking to occupy available units in the project must be provided with the Application.
  - e. A written Anti-Displacement and Relocation Plan that addresses the following:
    1. A description of steps that have and will be taken to minimize the displacement of tenants.
    2. A budget for estimated relocation expenses and how payments will be calculated.
    3. Identifies the key staff person that will be responsible for the administration and coordination of relocation processes.
    4. A description of advisory services that have and will be offered.
    5. A schedule that describes the timing of when tenants will be required to move or temporarily vacate their units, when rehabilitation will begin and end, and when tenants not being displaced can reoccupy rehabilitated units.

6. A description of how required notifications will be provided to tenants within required timeframes.
  7. If permanent relocation will occur a description of how replacement units will be identified and inspected.
  8. Description of how relocation records will be maintained.
- f. Relocation requirements apply to all occupants of projects funded with HOME, NHTF or NSP, even if less than one hundred percent (100%) of the units will be federally assisted affordable units.
- g. An **SRDP Application Exhibit 15 - Notice to Seller for the Acquisition of Property with Federal Funds** is required. It must be executed **prior to or at the time the option or contract is executed by the seller** and must be submitted with the application.

## 10. DISPLACEMENT

- a. A tenant is considered displaced if they permanently move from the property as a direct result of rehabilitation, demolition, or acquisition of a HOME, NHTF, or NSP assisted project.
- b. A tenant is not considered displaced if:
  1. The tenant is evicted for just cause, assuming the eviction was not carried out to evade the Uniform Relocation Act (URA) obligations. Documentation of all evictions must be maintained and submitted in the Application.
  2. The person has no legal right to occupy the property under State or local law (e.g., squatter);
  3. The tenant moved in after the application was submitted for funding and before commencing occupancy they were provided written notice of the planned project stating construction and the possible impact such construction may have on the person (e.g., the person may be displaced, temporarily relocated, or experience a rent increase), and that they would not qualify as a "displaced person" as a result of the project;
  4. Persons temporarily relocated from their dwellings for less than 12 months during rehabilitation or demolition; and
  5. Illegal aliens - the URA prohibits providing relocation assistance to persons not lawfully present in the U.S.

## 11. DISPLACEMENT MAY BE TRIGGERED IN THE FOLLOWING WAYS

- a. Before Application: A tenant moves permanently from the property before the Applicant submits the application for HOME or NHTF assistance and SC Housing or HUD determines that the displacement was a direct result of the rehabilitation, demolition, or acquisition of the project (e.g., SC Housing determines that the Applicant displaced tenants in order to propose a vacant building for assistance).
- b. After Application or Approval: A tenant moves permanently from the property after submission of the application because:
  1. The Applicant requires the tenant to move permanently because of the unit size or the unit is eliminated;
  2. The Applicant fails to provide timely required notices to the tenant;
  3. The tenant is required by the Applicant to move temporarily and the Applicant does not pay all actual, reasonable out-of-pocket expenses or because the conditions of the move are unreasonable;
  4. The tenant moves permanently from the project because the tenant is not provided the opportunity to lease a suitable, affordable unit in the project. Such tenants are considered economically displaced;
  5. The tenant receives temporary relocation assistance beyond one year; therefore, are considered displaced and are eligible for permanent relocation assistance.
- c. SC Housing HIGHLY ENCOURAGES Applicants to make EVERY effort to not trigger displacement.
  1. Applicants should offer tenants the opportunity to lease an affordable suitable unit within the project if possible.
  2. All Applicants should become familiar with the URA and Section 104(d) of the Housing and Community Development Act (also known as the "Barney Frank Amendments" and any applicable relocation rules).

## 12. TENANT PROTECTIONS

- a. The Tenant Applicant is required to:
  1. Follow the provisions of 24 CFR Part 92.253 of the HOME regulations and 24 CFR Part 93.303 for tenant lease protections;
  2. Execute a lease agreement for a minimum of twelve (12) months, unless by mutual consent, the tenant and owner agree to a lesser term.
- b. An owner may not terminate the tenancy or refuse to renew the lease of a tenant for rental housing assisted with HOME or NHTF funds except for serious or repeated violations of the terms of the lease; for violation of applicable federal, state or local law; or for other good cause.
- c. Any termination or refusal to renew must be preceded by no less than thirty (30) days written notice specifying the grounds for the action.
- d. Owners may not refuse, except for just cause, to lease a HOME, NSP or NHTF-assisted unit to a family, which holds a rental certificate or voucher or a comparable document under the HOME or NHTF Program.

- e. Owners may not refuse to lease to a tenant applicant solely because he or she is a victim of domestic violence, dating violence or stalking. Compliance for units under the Violence Against Women Act (VAWA) went into effect December 16, 2016. Furthermore, Owners may have additional obligations under the VAWA Act to include permitting a tenant to move units, terminate a lease early, etc.

### 13. PROHIBITED LEASE TERMS

- a. Agreement to be sued: Agreement by the tenant to be sued, admit guilt or to a judgment in favor of the owner in a lawsuit brought in connection with the lease.
- b. 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.
- c. Excusing the Owner from Responsibility: Agreement by the tenant not to hold the owner or the owner's agents legally responsible for actions or failure to act, whether intentional or negligent.
- d. Waiver of Notice: Agreement by the tenant that the owner may institute a lawsuit without notice to the tenant.
- e. 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 would have the opportunity to present a defense.
- f. Waiver of Legal Trial: Agreement by the tenant to waive any right to a jury trial.
- g. Waiver of Right to Appeal Court Decision: Agreement by the tenant to waive their right to appeal or to otherwise challenge in court a decision in connection with the lease.
- h. Tenant Chargeable with Cost of Legal Actions regardless of Outcome: Agreement by the tenant to pay attorney fees or other legal costs even if the tenant wins the court proceeding by the owner against the tenant. The tenant however, may be obligated to pay costs if the tenant loses.
- i. Requirement for tenants to participate in mandatory services.

### 14. ELIGIBLE PROJECT COSTS

All costs must be "reasonable and necessary," included in the application, and approved as part of the development budget. Costs include the following:

#### a. **Development Hard Costs**

1. Costs to meet the applicable building standards in effect at the time a building permit is obtained from the locality.
2. Costs to make essential improvements including the actual costs of construction. Modular builds/construction is acceptable.
3. Energy-related improvements.
4. Improvements necessary to permit use by handicapped persons.
5. Lead-based paint hazard reduction and asbestos abatement.
6. Costs to demolish existing structures for which construction will begin within twelve (12) months of the Commitment(s).
7. Costs for improvement to the project site (Please note, any site work completed before the application is submitted cannot be included in costs. Any value of site work previously completed must be captured only by the appraised value).
8. Costs of acquiring optioned improved or unimproved land for which construction will begin within twelve (12) months of the Commitment(s).
9. Improved or unimproved land being acquired must be valued at the lesser of the purchase price or the appraised value submitted with application.
10. Projects with 20 or more units may elect to include an office and/or community room. Costs to construct the office and/or community room are eligible; however, the costs to furnish these spaces are not eligible.

#### b. **Related Soft Costs**

- Loan origination fees
- Title report and update fees
- Recordation fees
- Preparation and filing legal document fees
- Appraisals
- Market Study Report fees
- Attorney's fees
- Loan processing fees
- Developer fees

- Architectural fees
  - Engineering fees
  - Preparation of work write-ups/cost estimate fees
  - Project audit costs (only eligible under certain circumstances)
  - Affirmative marketing and fair housing costs
  - Operating Reserves for NHTF-assisted units ONLY for which project based rental assistance is not provided.
  - Compliance monitoring fees
- c. **Pre-Development Costs** – Pre-development soft costs incurred by the owner up to 24 months before the Commitment(s). Eligible pre-development costs are those necessary to develop and prepare plans, drawings, specifications, or work write-ups, etc. Costs for such must be included in the development budget and documented through invoices and submitted with the application as part of the underwriting process.

**15. PROHIBITED ACTIVITIES/COSTS (24 CFR PART 92.214 & 24 CFR PART 93.204)**

Funds may not be used for:

- a. Limitations on Actions Pending Environmental Clearance. HOME funds may not be used to reimburse a non-governmental entity for project-related costs incurred after the Applicant has submitted an application for HOME funds and before the environmental review process has been completed, approved by HUD and SC Housing in receipt of SC Housing to Use Grant Funds
- b. Delinquent taxes, fees or charges on properties to be assisted with funds
- c. Any cost that is not eligible under § 92.206 through 92.209, and § 93.201 and 93.202.
- d. Off-site infrastructure costs
- e. Playground equipment
- f. Cost of storing materials
- g. Purchase of **construction** equipment or tools
- h. Office furniture and equipment
- i. Exercise Equipment
- j. Swimming pools are prohibited

**16. ARCHITECT REQUIREMENTS**

All projects must contract “Turn Key” design services with South Carolina licensed Architect, Landscape Architect, and Engineers that will complete the work in the following manner:

1. Architect shall serve as the central design and design-document coordinator for all plans and specifications for the project - even if separate professional service agreements are held between the owner/developer and various members of the design team. The coordination includes, but is not limited to the Architectural plans, MEP plans, Civil plans, Landscape plans and Specifications.
2. Architect will provide and/or coordinate with data and information provided by all of the project’s third-party professional design-related consultants and engineers including, but not limited to, the Exhibit 10 Estimator, Geotechnical, ADA, Energy Star, and Sustainable Building consultants.
3. Architect shall provide consultation support to the owner with respect to procurement and contracting requirements.
4. Architect will prepare and/or assemble for dissemination the entire bid package. Architect will manage the sealed bid process and support (through advice and comment) the owner/developer in developing an advertising statement and will provide bid results directly to SC Housing.
5. Architect will prepare, provide or review as appropriate to the form involved, (i.e., GC will prepare AIA documents intended for contractor preparation) and process all AIA form documentation.
6. Architect will provide submittal review and architectural onsite construction phase observation services at an interval appropriate to the project size and will be available to communicate, coordinate, and advise as needed with the SC Housing Inspector to resolve any issues revealed during construction.
7. The signed contract between the Applicant and Architect for providing these services must be provided with the application. The contract must include language stating “All project plans, specifications and documents will be designed and provided to comply with the SC Housing’s 2023 Small Rental Development Manual and Appendices” and that the “contract going forward is subject to the Applicant successfully being awarded funding for the project in the 2023 funding cycle.”

**17. CONSTRUCTION & PROCUREMENT**

- a. All projects must complete the **SRDP Application Exhibit 10 - Construction Cost Addendum** included with the application. The Construction Cost Addendum must be completed by an independent 3<sup>rd</sup> party architect, engineer, general contractor or local government personnel who will not bid on the project. It cannot be completed by the Applicant or a related party of the applicant.
- b. Applicants must ensure that every entity awarded a contract is not on the list of Parties Excluded from Federal Procurement or Non-Procurement Programs as published by the U. S. General Services Administration and HUD Regional and Field Offices' Limited Denials of Participation lists located at SAM.gov.
- c. Applicants must receive notice from SC Housing that an environmental review is complete and an *Authority to Use Grant Funds* notice from HUD (or other certification from SC Housing, if applicable) has been released before executing a construction contract, starting construction, or taking any physical actions on a site.
- d. If the proposed project is already underway, all work must cease immediately once the application for funds has been made. No work or choice limiting actions may occur after the application submission date. Work may only recommence after an environmental review has been completed and an *Authority to Use Grant Funds* notification (or other certification from SC Housing, if applicable) has been received. Projects already underway are only eligible if they were started without the intent of using federal assistance.
- e. **Procurement for construction services must be performed using a competitive sealed bid process.** Applicants must have an established procurement policy that is submitted as part of the application that describes compliance with:
  1. Applicable state, local laws and regulations, along with Federal regulations 24 CFR Part 200.36
  2. Regulations of Section 3, MBE/WBE, Minority Outreach requirements and Federal Labor Standards, if applicable
  3. A successful competitive sealed bid process should produce:
    - i. A minimum of three bids
    - ii. Bids from qualified general contractors who are licensed in the State of South Carolina.
    - iii. Bids submitted with line item costs.
  4. Acceptable bids that are no more than 10% higher or lower than the independent cost analysis or the work write-up approved by SC Housing.
  5. Procurement transactions conducted in a manner to provide, to the maximum extent practical, open and free competition.
  6. Organizational and personal conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade are prohibited.
  7. Solicitations that clearly set forth all requirements that the bidder shall fulfill in order for the bid to be evaluated by the recipient. Bidders must be informed of all the federal requirements the project will be subject to.
  8. It is recommended that bid solicitations are advertised on the South Carolina Business Opportunities (SCBO) website. Information on SCBO can be accessed at <https://scbo.sc.gov/>
  9. Contracts entered into only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.
  10. Award recipients are not allowed to act perform any contractual services on awarded projects.
  11. Any exceptions to procurement and contracting requirements must be approved in writing by SC Housing.

Documentation must be provided to demonstrate that the general contractor meets the following minimum requirements to be awarded construction contracts.

1. Construction companies must have been in business for a minimum of five years and have permanent full-time employees.
  - a. Documentation must be provided that demonstrates the construction company been in business for at least five years of continuous operation, operating under the same business name.
  - b. Documentation that the company is in good standing with the SC Secretary of State.
  - c. Copy of most current license issued by SC Department of Licensing, Labor and Regulations.
  - d. Completed W-9
  - e. Debarment Certification Form
2. Provide a list of similar projects the construction company has successfully completed during the last five years. Include the following information for each project:
  - a. Project Name
  - b. Project Owner



- c. Project Address
- d. # of Units and Type (affordable, market rate)
- e. Construction Start/End dates
- f. Project Type (New Construction, Rehab, Adaptive Re-Use, Conversion) - Description of Funding Sources
- g. Color Photo of Completed Projects

In circumstances where an Identity of Interest relationship exists and the Applicant wishes to act as the general contractor, the Applicant must request approval to do so in writing. Requests can be submitted with the application by completing the **SRDP Application Exhibit 25A – Identity of Interest Certification** and the **SRDP Application Exhibit 25B – Request for Identity of Interest**.

#### 18. PAYMENT & PERFORMANCE BOND

- a. Applicants drawing funds during construction are required to provide either:
  - 1. A *Direct Pay Irrevocable Letter of Credit*, or
  - 2. A *Payment and Performance Bond*.
- b. Acceptable letters of credit must be payable directly to the SC State Housing Finance & Development Authority in an amount equal to the total construction contract.
- c. All letters of credit will be reviewed to limit SC Housing’s liability.
- d. A Payment and Performance Bond must be in an amount equal to the total construction contract.
- e. An **SRDP Application Exhibit 9 – Election to Draw Funds** must be submitted with the Application.
- f. Applicants electing to draw funds during construction must include anticipated costs for payment and performance bonds/letters of credit in the development budget.

#### 19. DAVIS-BACON ACT

- a. All projects containing twelve (12) or more HOME-assisted units shall comply with the Davis-Bacon Act, requiring the payment of not less than the prevailing wages in the locality.
- b. The wage rates are predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act, to all laborers and mechanics employed in the development of any part of the housing ([www.wdol.gov](http://www.wdol.gov)).
- c. The Applicant will be required to enforce labor standards, process weekly payroll forms, and include the Federal Labor Standards Provisions and Wage Rates in all applicable contracts.
- d. SC Housing will randomly conduct on-site inspections for employee interviews.

#### 20. ENVIRONMENTAL REVIEW REQUIREMENTS

**Completion of the environmental review process, including HUD approval for use of HOME funds, is mandatory before taking any action on a site, including the purchase of the site, or making a commitment or expenditure of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair or construction activities.** In accordance with 24 CFR Part 58 participants, recipients, owners, developers, sponsors or any third-party partners CAN NOT take any physical actions on a site, begin construction, commit, expend, or enter into any legally binding agreements that constitute choice limiting actions for any HUD or non-HUD funds before the environmental review process has been completed and an “Authority to Use Grant Funds” has been received from HUD. **Any violation of the statutory regulation will result in the automatic de-obligation of a Conditional Commitment.**

- a. Applicants will commission environmental consultants to prepare environmental reviews that meet NEPA and NHTF environmental provisions for their applications. Applicants must use an Environmental Consultant/Firm from SC Housing’s Approved Environmental Consultant List to complete the environmental review. The consultant/firm completing the environmental review can be a different firm than the one that completed the Phase I environmental report. The environmental review is due three months after a Conditional Commitment is made.
- b. Environmental reviews must be completed to assess the entire parcel and any off-site land that will be disturbed during construction.
- c. Once an awardee’s environmental review has been approved, SC Housing will publish a Notice of Intent (NOI) and a Request for Release of Funds (RROF). Local governments are responsible for their own publishing of these notices.
- d. Funds will not be awarded to projects which require any type of lengthy mitigation of any hazardous materials, or any other environmental conditions, found on, within, or adjacent to the proposed site(s), other than lead-based paint and/or asbestos.
- e. For projects involving acquisition, an option agreement on a proposed site or property is allowable prior to the completion of the environmental review **if and only if** the option agreement is conditional in nature so as not to provide

legal claim to any amount of HOME funds to be used for the specific project or site until the environmental review process is completed. Language to meet this requirement is provided below:

“Notwithstanding any provision of this Agreement, if U.S. Department of Housing and Urban Development (HUD) funds are used, including, but not limited to HOME funds, the parties agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of an environmental review and receipt of a release of funds notice from the U.S. Department of HUD under 24 CFR Part 58. The parties further agree that the provision of any federal funds to the project is conditioned on the determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. If no HUD funds are utilized in regard to this property, this provision shall be considered null and void.”

- f. If the proposed project is already underway **all work must cease immediately** once the application for funds has been made. No work or choice limiting actions may occur after the application date. Work may only recommence after an environmental review has been completed and approval by SC Housing to proceed has been given.
- g. Identification of Wetlands – The application must include a scientifically defensible determination regarding the presence or absence of wetlands, including non-jurisdictional wetlands, in accordance with the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands. National Wetland Inventory Maps must be included in the documentation; however, they will not be accepted as stand-alone documentation for the presence or absence of wetlands. The Applicant must retain a wetland professional (i.e., biologist, soil scientist, professional wetland scientist etc.) to complete an **SRDP Application Exhibit 21 – Wetlands Certification** certifying as to the presence or absence of wetlands and the acreage size of the wetlands.
- h. All Applicants should refer to SC Housing’s Environmental Review Manual for further information. <https://www.schousing.com/Home/Environmental-Review>

## 21. ASBESTOS

Applicants must follow all applicable federal and state regulations and policies in effect regarding asbestos. Applicants that undertake asbestos remediation activities must document proper disposal. All applications that include rehabilitation, conversion, or demolition in the scope of work must provide an asbestos evaluation report with the Application. Projects that will require the abatement of asbestos must include the expected costs asbestos remediation in the **SRDP Application Exhibit 10 - Construction Cost Addendum**. All contractors performing asbestos abatement activities (testing, abatement, air monitoring, etc.) must meet South Carolina Department of Health and Environmental Control (DHEC) certification requirements and provide a copy of the asbestos abatement project license issued by DHEC. Applicants with questions related to compliance with DHEC requirements can access contact information for DHEC Asbestos Section staff at <https://www.scdhec.gov/environment/your-home/asbestos/asbestos/asbestos-contact-us>

## 22. LEAD-BASED PAINT

a. Projects are subject to compliance with Lead-Based Paint Regulations. Effective September 15, 2000, the U.S. Department of Housing and Urban Development (HUD) issued a regulation designed to protect young children from lead-based paint hazards in housing that is financially assisted by the federal government or being sold by the government. The regulation, “Requirements for Notifications, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance,” was published in the Federal Register on September 15, 1999. This regulation appears within title 24 of the Code of Federal Regulations as part 35 24 CFR Part 35. The requirements apply to housing built before 1978; the year lead-based paint was banned nationwide for consumer use. The regulation sets hazard reduction requirements that give a much greater emphasis than previous regulations to reducing lead in house dust. The regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner-occupied. **Appendix D** contains detailed requirements for compliance with lead-based paint regulations.

### 1. Types of Housing Covered:

- i. Federally-owned housing being sold
- ii. Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance)
- iii. Public housing
- iv. Housing occupied by a family (with a young child) receiving tenant-based subsidy (such as a voucher or certificate)



- v. Multifamily housing for which mortgage insurance is being sought
  - vi. Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs
2. *Types of Housing Not Covered:*
- i. Housing built since January 1, 1978, when lead paint was banned for residential use
  - ii. Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
  - iii. Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barrack
  - iv. Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
  - v. Property where all lead-based paint has been removed
  - vi. Unoccupied housing that will remain vacant until it is demolished
  - vii. Non-residential property
  - viii. Any rehabilitation of housing improvement that does not disturb a painted surface
- b. All Applicants proposing projects subject to the Lead-Based Paint requirements must provide a copy of the lead-based paint evaluation and include expected costs for abatement in the ***SRDP Exhibit 10 – Construction Cost Addendum***.

### 23. SECTION 504

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving Federal financial assistance. HUD regulations implementing Section 504 contain accessibility requirements of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities.

New Construction projects with five (5) or more units must have a minimum of five percent (5%) of the units accessible to individuals with mobility impairments **AND** an additional two percent (2%) of the units accessible to individuals with sensory impairments.

Rehabilitation projects with fifteen (15) or more units and rehabilitation costs that will be seventy five percent (75%) or more of replacement of the completed development must have a minimum of five percent (5%) of the units accessible to individuals with mobility impairments **AND** an additional two percent (2%) of the units accessible to individuals with sensory impairments.

### 24. SECTION 3

On November 30, 2020 the Section 3 implementing regulations at 24 CFR Part 75 became effective. The purpose of Section 3, a provision of the U.S. Department of Housing and Urban Development (HUD) Act of 1968, is to help foster local economic development, neighborhood economic improvement, and individual self-sufficiency. It requires that Recipients of certain financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- and very low-income persons in connection with developments and activities in their neighborhoods.

- a. **Applicability** – A Section 3 project means housing rehabilitation, housing construction, and other public construction projects that are assisted under HUD programs which provide housing and community development financial assistance for the project that exceeds the threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C.1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq). Therefore, SC Housing and the entities to which it provides HOME funds (collectively HUD Funds) in excess of \$200,000 must comply with Section 3, as amended. Whether the project is fully or partially assisted under HOME, Section 3 applies to the entire project [24CFR 75.3(a)(2)(iii)]. All Contractors and Subcontractors must be made aware of the need to comply with Section 3 requirements. Section 3 requirements do not apply to material supply contracts [24 CFR 75.3(b)] or “non-construction” professional service jobs that require an advanced degree or professional licensing, including but not limited to contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.
- b. **Reporting** – Annual reporting is no longer required. Section 3 now requires reporting total labor hours during construction rather than new employees and dollar amounts of contracts with Section 3 businesses. The new report captures: a. Total Labor hours during construction b. Total Labor hours during construction for Section 3 Workers c. Total Labor hours during construction for Targeted Section 3 Workers d. Qualitative efforts must be documented if benchmarks are not met. The SRDP – 12A – Section 3 Labor Hours Report will be submitted at the end of the project with the Placed-In-Service application rather than annually.
- c. **Benchmarks** – The Section 3 benchmarks established by HUD for all Recipients/Contractors/Subcontractors are:

- 25% or more of total labor hours of the development construction must be worked by Section 3 Workers, AND
  - 5% or more of total labor hours of the development construction must be worked by Targeted Section 3 workers
- If the Recipient's/Contractor's/Subcontractor's reporting indicates the Section 3 benchmarks have not been met, evidence of the qualitative efforts taken to assist low- and very low-income persons with employment and training opportunities must be provided to HUD (See SRDP-12G – Section 3 Qualitative Efforts Report).

## 25. MONITORING & COMPLIANCE

All projects are subject to HOME, NHTF, and SC HTF compliance monitoring requirements. At a minimum, the owners of projects are responsible for conducting the following annually:

- Maximum rent and utility allowances must be reviewed and recalculated annually upon the anniversary of the lease renewal date. Updated rents are published annually by HUD and are provided on SC Housing's website.
- The HOME and NHTF Rules require approval of all rents on an annual basis for developments with such units regardless if rents are increasing, decreasing, or staying the same. The approval process will be handled by the Compliance Monitoring Department. Annual Rent Approval Form M-66 will be submitted to Compliance Monitoring staff to begin the approval process.
- HUD Utility Schedule Model. All utility allowance calculations on the Excel Spreadsheets as part of the HUD Utility Schedule Model must be provided. SC Housing reserves the right to review all backup data used for calculations. HUD link: <http://www.huduser.org/portal/resources/utimodel.html>.
- The annual income or annual gross income of tenants must be reviewed and verified each year. Updated incomes are published annually by HUD and are provided on SC Housing's website.
- The annual income definition found at 24 CFR Part 5: income is the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.
- On-site inspections for compliance with the Uniform Physical Conditions Standards (UPCS) should be conducted by the owners:
  - SC Housing conducts periodic on-site compliance reviews throughout the affordability period to ensure compliance with HOME and NHTF rental program requirements. These reviews include, but are not limited to, occupancy requirements and property standards. Refer to the *Compliance Manual* located on SC Housing's website for further compliance monitoring requirements.
  - Rental projects with 10 or more units will be required to submit financial statements annually to determine the financial health of the project. Specifics will be determined upon release of guidance from HUD.

## 26. TERMINATED PROJECTS

- Any assisted project that is terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity and any funds invested in the project must be repaid to SC Housing.
- SC Housing allows Applicants ninety (90) days from the date of termination to repay the funds back to SC Housing or risk future eligibility for funding and debarment from SC Housing administered programs.
- Any assisted project that is terminated before completion, either voluntarily or otherwise after the HUD commitment deadline for HOME and/ or NHTF dollars has expired that results in the loss of funding from the state, may result in the project owner being suspended or debarred from participating in SC Housing administered programs.

## 27. STALLED PROJECTS

- Projects that do not progress as outlined in the Written Agreements, fail to meet established deadlines and/or require extensions and/or waivers are considered stalled projects that may be de-obligated.
- Projects that fail to have their final plans and specifications approved by SC Housing within six (6) months of submission to SC Housing are considered stalled.
- One year from the Commitment(s), tangible, ongoing, and continuous construction must have started. Should this benchmark not be met, the project will be considered stalled.
- Projects in which construction stops for 14 days or more will be considered stalled, with the exception of those projects stopped by the locality for reasons beyond the owner/recipient's control.
- Projects not completed within three years from the date of Commitment(s) may be terminated and all funds invested in the project must be repaid to SC Housing.

- AFFIRMATIVE MARKETING PLAN** - steps consisting of actions to provide information and otherwise attract eligible persons in the housing market area to the proposed assisted housing without regard to race, color, national origin, sex, religion, familial status, or disability. The steps must include requirements (use of commercial media, use of community contacts, use

of Equal Housing Opportunity Logo or slogan, and display of fair housing poster) and practices each Applicant will take in order to carry out affirmative marketing procedures such as:

- a. Informing and soliciting applications from persons in the housing market who are not likely to apply for the housing without special outreach. Include the special outreach planned for this particular project.
- b. Describe records that will be kept documenting actions taken to affirmatively market the program and units as well as records to assess the results, positive or negative, of the actions taken.

**29. ADDITIONAL FEDERAL REQUIREMENTS**

Applicants shall comply with all other federal requirements that may not be listed in this manual that are outlined in 24 CFR Part 91, 92, and 93 such as, **but not limited to**;

- a. General Audit Requirements – audits must be conducted in accordance with 2 CFR Part 200, subpart F.
- b. Equal Opportunity, Nondiscrimination, and Fair Housing
- c. Flood Insurance and Executive Order 12372
- d. Affirmatively Furthering Fair Housing Final Rule at 24 C.F.R. §5.162
- e. Conflict of Interest
- f. Debarment and Suspension
- g. Title VI Civil Rights Act - 1964 (Nondiscrimination in Federal Programs)
- h. Age Discrimination Act – 1975
- i. Development Act of 1968
- j. Executive Orders 11625 (MBE), 12432, and 12138 (WBE)