



Continuum of Care

Match Funding



2012 Program Guide

Table of Contents

A. Introduction	1
B. MaineHousing Role.....	1
C. Process	2
D. Scoring Criteria	3
E. Eligible Applicants.....	4
F. Eligible Activities	5
G. Project Eligibility Requirements	5
H. Ineligible Activities	5
I. Target Populations	6
J. Targeting Requirements.....	6
K. Terms for Match Funds.....	6
L. Maximum Match Funding.....	7
M. HUD Project-Based Section 8 Rental Assistance.....	7
N. Loan Security.....	8
O. Reserves	8
P. Displacement and Relocation	8
Q. Construction and Rehabilitation Standards	9
R. Environmental Review	9
S. Housing Registry.....	14
T. Accessibility/Fair Housing and Equal Opportunity	14
U. MaineHousing Non-Discrimination Notice.....	14
V. Right to Cancel.....	14

MaineHousing Match Funding Continuum of Care 2012 Program Guide

A. Introduction

The U.S. Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for certain federal programs to address homelessness under the McKinney-Vento Homeless Assistance Act. These programs offer funding on a competitive basis to proposals that will serve the needs of homeless populations.

McKinney-Vento funding requires the development of a Continuum of Care system for the community where assistance is being sought. Continuum of Care (COC) systems must be designed to address the needs of homeless populations via a coordinated community-based process of identifying needs and solutions to address needs. There are two COC systems in Maine: Portland COC; Maine Continuum of Care (MCOC). Both COC systems will submit applications to HUD for grant funding made available by the NOFA.

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (the HEARTH Act) consolidated three programs that were created by the McKinney-Vento Homeless Assistance Act. The three programs, the Supportive Housing Program, the Shelter Plus Care Program and the Moderate Rehabilitation/Single Room Occupancy Program, are now consolidated into the Continuum of Care Program. This Program Guide is limited to initiatives that are seeking funding for the development of Permanent Housing under the Continuum of Care Program (COCP).

HUD has calculated that the State of Maine will have \$316,169 of its 2012 COC funding available for the development of new projects within the jurisdiction of the MCOC. The Portland COC will not have funds available for new project development in the 2012 funding round.

B. MaineHousing Role

Maine State Housing Authority (MaineHousing) is the housing finance agency for the State of Maine. Each year, MaineHousing directs significant resources to address the housing needs of homeless populations. MaineHousing is a committed supporter of the HUD homeless programs and a partner to the Maine non-profit organizations that utilize the HUD programs. MaineHousing provides both technical and financial resources to the COC effort to ensure that Maine receives the maximum amount of federal funding available for homeless support.

Part of MaineHousing's commitment is to pledge subsidy funds that will satisfy a HUD matching requirement for the Permanent Housing component of the COCP. HUD requires

that applicants seeking development capital for the creation of housing for the homeless provide a 50%/50% local match.

MaineHousing will allocate up to \$316,169 in subsidy funding for Permanent Housing projects submitted in the 2012 MCOC application. MaineHousing subsidy funding will be used as a dollar for dollar match for the portion of Permanent Housing funding dedicated to so-called “bricks and mortar”- costs. These costs include all direct costs incurred in the development of housing units. The MaineHousing funding may not be used for operational or service costs or as match for these costs.

The source of funding for the MaineHousing match will be funding authorized by the Maine Energy, Housing and Economic Recovery Fund established in Title 30-A of the Maine Revised Statutes, Section 4861, et seq. (Part E Bonds), which authorizes the issuance of revenue bonds by MaineHousing for the purposes of the Maine Energy, Housing and Economic Recovery Program.

MaineHousing has adopted a set of standards and requirements that are applicable to all housing for persons who are homeless funded by MaineHousing. Those standards and requirements are contained in a handbook titled *Addendum to the Supportive Housing Programs*. The addendum can be found on the MaineHousing website. The addendum will be referenced in various sections of this Program Guide.

C. Process

Applicants wishing to access MaineHousing match funding for the development of projects will need to notify the MCOC that they are seeking match funding from MaineHousing.

The MCOC will forward to MaineHousing a copy of the complete HUD Continuum of Care - Permanent Housing application by 5:00 P.M. on December 17, 2012.

Each applicant for MaineHousing match funding will be scored per the scoring criteria detailed in Section D of this Program Guide. MaineHousing will convene a scoring committee composed of MaineHousing staff and a MCOC representative. The scoring committee will review all submitted HUD Continuum of Care – Permanent Housing applications from applicants seeking MaineHousing match funding. The scoring committee will determine whether applicants meet the eligibility criteria outlined in this program guide. The scoring committee will utilize the application materials to develop a final score for each applicant. Projects must receive at least 70 points to be recommended by the scoring committee. The scoring committee will report selection recommendations to the MaineHousing Director. The Director will make final match funding decisions.

MaineHousing will notify all applicants and the MCOC of the outcome of the match selection process. Following the continuum scoring process, MaineHousing will formally issue a selection notice, which will include the maximum amount of match funding that will be available for those projects that are both selected for match and selected in the continuum scoring process. Ultimately, the match funding is contingent upon the project being selected by HUD and becoming viable.

The amount of HUD Continuum of Care – Permanent Housing funding available for the creation of new projects is significantly lower for 2013 than prior years. The reduction in available funding may reduce the number of new projects being submitted to the MCOC. If the number of new projects submitted to the MCOC is one project, there will no longer be a competitive process. In the event of a non-competitive outcome, the lone project will be evaluated for eligibility; i.e. does the project meet minimum threshold criteria. A scoring committee will not be convened for this evaluation.

D. Scoring Criteria

All requests to MaineHousing for match funding of HUD Continuum of Care – Permanent Housing projects will be scored based upon the criteria below. MaineHousing will look to the application submitted to the MCOC for the data needed to score each request.

MaineHousing will employ the following two scoring criteria. Each criterion will offer a maximum score of 50 points for a maximum total of 100 points.

Scoring Criteria #1 – Organizational Capacity (50 POINTS)

The following elements will be considered:

- The financial, staffing and managerial capacity of the applicant to facilitate and coordinate all facets of real estate development
- The experience of the development team in developing projects within reasonable time-frames and budgets. The development team may include consultants, design professionals, contractors, etc.
- The experience of the applicant in owning real estate assets and maintaining the financial and physical viability of the assets
- The experience of the applicant in securing operational and service funding

Scoring Criteria #2 - Feasibility of the Initiative (50 POINTS)

The following elements will be considered:

- For projects which are not requesting MaineHousing Project-Based Section 8 vouchers, does the applicant offer a clear and specific plan for securing operational funding for the project, both in the short and long term? Does the applicant demonstrate that the plan is feasible?
- Does the applicant offer a clear and specific plan for assisting clients in accessing income supports, services, and federal/state mainstream benefits? Does the applicant demonstrate that the plan is feasible?

- Has the applicant secured the conditional support of potential funding providers, such as the Department of Health and Human Services, etc.?
- Does the applicant propose a total development cost that is reasonable for the real estate market in which the project will be located?
- Does the applicant propose a development time-line that is both reasonable and in compliance with HUD requirements?
- Does the applicant propose a project that has gained local or regional support?

E. Eligible Applicants

Eligible applicants must meet the following criteria:

- Be a non-profit corporation organized in the State of Maine under Title 13-B of the Maine Statutes or registered to do business in the State of Maine and have determination, or have applied for determination, of tax exemption under Section 501(c)(3) of regulations of the Internal Revenue Code and the implementing regulations;
- Demonstrate the authority to apply for and receive necessary funding for the proposed project;
- Demonstrate capacity to either deliver services or implement realistic strategies for the delivery of services as needed;
- Demonstrate the financial and organizational capacity to undertake the proposed initiative;
- Developer must not be excluded from participation in federal housing programs, as further discussed in the Addendum to the Supportive Housing Programs;
- Developer must be currently in good standing with previously MaineHousing funded projects, as further discussed in the Addendum to the Supportive Housing Programs;
- Developer must be in compliance with federal and MaineHousing conflict of interest prohibitions, as further discussed in the Addendum to the Supportive Housing Programs.
- Developer must comply with all requirements for subsidy funding set forth in the Addendum to the Supportive Housing Programs.

F. Eligible Activities

MaineHousing match funding may be used with projects that will involve either new construction or substantial rehabilitation as defined below. Acquisition costs are eligible; however, the applicant may already own the site and have no need for acquisition financing.

New construction

For projects that are being newly constructed, match funds may be used for demolition in addition to acquisition of a site and the costs of developing a building(s) on that site.

Substantial Rehabilitation

Substantial rehabilitation is defined as the rehabilitation of an existing structure in which the cost of rehabilitation (as determined by MaineHousing) must average at least \$25,000 per unit.

G. Project Eligibility Requirements

Eligible project configurations are independent living units and non-independent living units. Independent living units provide separate sleeping and living space in addition to an area designed for food preparation and a private sanitation area. All other housing configurations are non-independent living units.

Projects designed as Single Room Occupancy units must be designed in such a manner so as to be easily convertible to independent living units should the need arise in the future.

All non-residential space will need to be functionally related to and compatible with the residential component. Residential space that is for the exclusive use of staff is an eligible use of funding. Non-residential space that is exclusively or primarily for the benefit of staff and residents, i.e., conference rooms or counseling spaces, are also an eligible use of funding. MaineHousing may limit the amount of match funding dedicated to non-residential space.

Projects receiving match funds must create Permanent Housing.

Permanent Housing is housing that:

- (a) is designed to provide a permanent, independent housing option; and
- (b) is intended to integrate into the community of independent living persons with the ability to sustain permanent long-term residence.

H. Ineligible Activities

MaineHousing match funds may not be used for the following activities:

- Transitional housing
- Rehabilitation that does not meet the substantial rehabilitation definition

- Acquisition and/or rehabilitation (including sub-rehabilitation) of existing projects that are currently restricted to providing housing for homeless persons and are currently serving homeless persons in a manner that is both feasible and sustainable
- Refinancing of existing debt
- Operational funding
- Service funding
- Developer fees (developer's incurred costs, including overhead, are eligible)
- Acquisition of existing projects that were originally funded by MaineHousing unless the acquisition is part of a preservation or workout effort

I. Target Populations

Continuum of Care – Permanent Housing funded projects must be targeted to persons that meet the McKinney-Vento definition of homelessness as amended by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). The following guidance was provided in the Department of Housing and Urban Development [Docket No. FR-5649-N-01] Notice of Fiscal Year (FY) 2012 Opportunity to Register and Other Important Information for Electronic Application Submission for the Continuum of Care (COC) Program Competition:

Subject to funding availability, the Permanent Housing Bonus will be available to COCs to apply for funding to create one or more new permanent supportive housing projects. The eligible participants include chronically homeless individuals and families. COCs may use the Permanent Housing Bonus funds to serve chronically homeless individuals and families. Projects cannot further limit eligibility only to chronic homeless individuals and families with specific types of disabilities or diagnoses, however projects may limit admission or provide a preference for the housing to persons who need specialized supportive services that are provided in the housing, consistent with §578.93(b)(7). Demonstrating progress in reducing the chronic homeless population will continue to be a scored item in the COC application

J. Targeting Requirement

All units in projects funded with MaineHousing match funds must be targeted to homeless persons with incomes at or below 50% of the area median income. The targeting restrictions will remain in place for 30 years and will be set forth in a covenant that will be recorded at the applicable registry of deeds.

K. Terms for Match Funds

The MaineHousing match funding will be structured as non-interest bearing performance grants. The performance grants will be secured by a lien on the property. The MaineHousing liens will be in first lien position unless otherwise concurred to by MaineHousing in writing. MaineHousing will review requests for lien subordination on a case-by-case basis.

MaineHousing will not require repayment of the performance grant unless one of the following events occurs prior to the end of 30 years: (a) a sale, transfer, or assignment of the property; (b) the discontinuation of the intended public purpose; (c) a default under the MaineHousing grant documents.

MaineHousing will not establish any minimum collateral requirements for the performance grants, e.g. loan to value.

L. Maximum Match Funding

The maximum amount of funding that MaineHousing will offer for match for COC projects is the following:

- \$75,000 per non-independent unit
- \$87,500 per independent unit

Recent market data indicate that in most Maine real estate markets, residential units can be developed at a total development cost of \$175,000 or less. In most markets for which information is available, rehabbed units of \$175,000 or less can be found that will provide decent, safe and sanitary housing in suitable locations. Generally, MaineHousing will not fund projects with a total development cost in excess of \$175,000 per unit. However, MaineHousing may consider projects that propose a total development cost in excess of \$175,000 per unit if a Maine licensed appraiser confirms to MaineHousing's satisfaction that there is an absence of available and existing residential units that would have a total development cost of \$175,000 or less.

M. HUD Project-Based Section 8 Rental Assistance

MaineHousing has made available HUD Section 8 Housing Choice Vouchers to designate as project-based rental assistance for units created under this program offering. To be eligible for project-based rental assistance from MaineHousing, the following criteria must be met:

- If a proposed project falls within a municipality in which a local housing authority is located or within a municipality contiguous to a municipality in which a local housing authority is located, then a letter must be submitted to MaineHousing from the local housing authority operating in that location which states the local public housing authority cannot provide the vouchers and that the local housing authority will administer the vouchers, in accordance with a contract with MaineHousing and the terms of the MaineHousing Administrative Plan.
- The project must meet HUD Housing Quality Standards (HQS). Housing Choice Voucher (HCV) program regulations at 24 CFR Part 982 set forth basic housing quality standards (HQS) which all units must meet before assistance can be paid on behalf of a family and at least annually throughout the term of the assisted tenancy. For SRO units, HQS (24 CFR Part 982.605(b)(4) requires the installation of a sprinkler system.

- The units must be either independent units or Single Room Occupancy (SRO) units as defined by the federal Department of Housing and Urban Development (HUD) (24 CFR 982.4)
- Tenants must have a lease with a minimum term of one year
- The rents that are charged must meet the MaineHousing rent reasonableness test
- Tenants must meet HUD eligibility criteria
- Tenants must be at least 18 years old or have been legally emancipated

For projects that have one to four units, MaineHousing may allocate project-based assistance for each unit in the project. For projects that have five or more units, MaineHousing may allocate assistance for as many as 25% of the units in the project. For projects that have five or more units and are exclusively rented to either elderly tenants or families with a family member that is disabled, MaineHousing may allocate assistance in excess of 25% of the units in the project.

Applicants seeking project-based Section 8 must be compliant with HUD’s regulations concerning environmental reviews, choice limiting actions and the Choice Limiting Action Prohibition Period. This is further discussed in Section R below.

N. Loan Security

MaineHousing performance grants will be secured by a mortgage on the land and improvements constituting the project, including an assignment of leases and rents, and a security interest in all fixtures, personal property and deposit accounts of the project. HUD requires that the developer record a declaration of restrictive covenants at the time of the HUD Grant Agreement. The HUD covenants ensure the continued public purpose during the HUD compliance period. MaineHousing’s recorded documents will be subordinate to the HUD covenants. Additionally, MaineHousing may subordinate its mortgage to other lenders for the project. MaineHousing will review subordination requests on a case-by-case basis.

For more details on loan security, please consult the Addendum to the Supportive Housing Programs.

O. Reserves

MaineHousing strongly encourages the establishment and regular funding of a project replacement reserve. Replacement reserve funding is not required by MaineHousing for purposes of this program.

MaineHousing may require the establishment and funding of a tax and insurance escrow.

P. Displacement and Relocation

Applicants are strongly encouraged to locate properties that will not require either the temporary or permanent displacement of existing tenants. Applicants must make reasonable efforts to minimize the displacement of existing residents of projects.

When displacement is unavoidable, federal funding requires that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4201 et seq. and 49 CFR Part 24 be complied with. All Continuum of Care – Permanent Housing projects are defined as federally funded.

MaineHousing provides additional information regarding the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in the Addendum to the Supportive Housing Programs.

Q. Construction and Rehabilitation Standards

Projects will need to comply with MaineHousing’s 2012 Quality Standards and Procedures Manual which are located on MaineHousing’s website at:

<http://www.mainehousing.org/docs/housing-development/2012-nbsp---quality-standards-amp-procedures-manual.pdf?sfvrsn=0>

R. Environmental Review

Projects receiving project-based rental assistance from MaineHousing must undergo an environmental review under HUD’s environmental review rules at 24 C.F.R. Part 58.

If your application to MaineHousing’s *Continuum of Care Match Funding Program* for 2012 (the Program?) includes a request for Section 8 project-based vouchers, it will trigger certain prohibitions under HUD’s environmental review rules that will apply to your project. From the date we receive your application under the Program until completion of the environmental review process for your project if your project is selected for funding, HUD’s environmental review rules prohibit all participants in the development process for your project, including you, any developer or sponsor of your project, any of your affiliates or the affiliates of any developer or sponsor participating in the project, any construction manager, and any other consultants and contractors, from taking certain actions. These prohibited actions are called “choice-limiting actions.” HUD’s prohibition on taking choice-limiting actions continues in effect from the date MaineHousing receives your application under the Program until your project, if selected, has received its environmental clearance, which means the completion of an environmental review of the project and, if necessary, HUD approval of the release of the project-based voucher funds for the project after completion of the environmental review. We refer to the period extending from the date that we receive your application under the Program to the date of environmental clearance of the Project below as the “Choice-Limiting Action Prohibition Period”.

The list of choice-limiting actions set out below is not all-inclusive and you are strongly urged to consult MaineHousing prior to taking any action that could be a prohibited choice-limiting action. Taking a choice-limiting action during the Choice-Limiting Action Prohibition Period will disqualify your project from receiving any Section 8 project-based vouchers or other HUD financial assistance, making the project infeasible.

Prohibited Choice-limiting Actions

During the Choice-Limiting Action Prohibition Period, you and all other participants in the development process for your project are not allowed under HUD's environmental review rules to do **any** of the following, except to the limited extent described in part B. below:

- A. Spend or commit *any* funds for the project, whether those funds are federal, state, local, bank, equity, or private funds, grants, loans or any other source or type of funds.
- B. Enter into a binding contract or agreement for any purpose, except the limited purposes described in the following items 1 through 4 below:
 1. For a project site that is currently (i) vacant land, *or* (ii) occupied by a non-residential building, *or* (iii) occupied by a residential building with more than four units, *or* (iv) occupied by a building with mixed non-residential and residential uses in more than a total of four units in the building, you may enter **only** into an option agreement to purchase or lease the proposed project site that states that it is subject to MaineHousing's decision on the desirability of the project site based on the results of the environmental review and provides for an option price that is only a nominal portion of the purchase price or rental cost of the property.
 2. For a project site that is currently occupied by an existing single-family residential building (defined by HUD as having one to four units) in which there has been continuous residential use, you may enter **only** into (i) an option agreement that meets the requirements described above, or (ii) a purchase and sale agreement complying with HUD's *Guidance on Conditional Purchase Agreements* (see below). **IMPORTANT NOTE:** HUD's *Guidance on Conditional Purchase Agreements* DOES NOT allow you, either directly or indirectly, to purchase or lease a project site during the Choice Limiting Action Prohibition Period.
 3. Entering into a construction management contract, **but only if** an Addendum required by HUD (available from MaineHousing) is executed as part of and simultaneously with the construction management contract. (The construction management project delivery method must still be approved by MaineHousing Construction Services prior to entering into a construction management contract, as provided in MaineHousing's *2012 Quality Standards and Procedures Manual*.)
 4. The following preliminary project activities:
 - Environmental studies and testing
 - Geotechnical studies
 - Other site inspection and testing
 - Engineering services
 - Architectural and design services
 - Permitting and zoning approvals
 - Financing applications

- C. Enter into a contract or agreement for any of the following or actually undertake or do any of the following:
- Enter into an option to buy or lease all or part of the project site or to purchase an easement for the benefit of the project site, or renew an expired option, unless the option agreement meets the requirements described above.
 - Enter into a purchase and sale agreement, or renew an expired purchase and sale agreement, that does not meet the requirements described above (as detailed in HUD's *Guidance on Conditional Purchase Agreements* below).
 - Purchase or lease all or part of the project site, including but not limited to any small additional parcel that may be needed to meet density or other local or state requirements.
 - Purchase an easement or right-of-way for the benefit of the project site.
 - Grant an easement or right-of-way over the project site.
 - Enter into an Agreement to Enter into a Housing Assistance Payments Contract (AHAP) or a Housing Assistance Payments (HAP) Contract.
 - Go out to bid for any work relating to the project, including but not limited to construction, rehabilitation, demolition or environmental remediation.
 - Excavation or earth removal.
 - Demolition.
 - Environmental remediation activities on, in or affecting the land or building(s) on the project site, including but not limited to lead paint, mold, asbestos, or soil remediation or other clean-up.
 - Utility or infrastructure construction or installation, e.g., sewer, water, electric or gas lines, drainage, stormwater management facilities, roads, sidewalks, etc.
 - Paving.
 - Grading, filling or clearing.
 - Dredging or draining.
 - Construction of buildings or other structures.
 - Moving existing buildings.
 - Rehabilitation, repair or alteration of existing buildings.
 - Burying, replacing or relocating a propane or other above-ground tank, or a fuel conversion of a heating system, on an abutter's property or on the project site as a way of mitigating hazards to your project or for any other reason.
 - Any other activity that has a physical effect on the land or buildings on the project site.
 - Any other commitment of funds relating to the project.

HUD Guidance on Conditional Purchase Agreements

HUD has provided guidance on conditional purchase agreements, which applies during the Choice Limiting Action Prohibition Period. This guidance allows an applicant to enter into a purchase and sale agreement (P&S Agreement) to gain site control of the project site

during the Choice Limiting Action Prohibition Period **ONLY IF ALL** of the following conditions are met:

1. There is an existing single-family building on the site. (HUD defines “single-family” as one to four units.)
2. The proposed project on the site is for residential use.
3. The proposed project involves either
 - (a) rehabilitation of the existing single-family building that does not increase the number of units beyond four (4) and that does not increase the footprint of the building in a floodplain or wetland; or
 - (b) demolition of the existing single-family building and reconstruction of another single-family building on the site.
4. The P&S Agreement includes the following language, which cannot be deleted or amended or modified during the Choice Limiting Action Prohibition Period:

Notwithstanding any other provision of this Contract, Purchaser shall have no obligation to purchase the Property, and no transfer of title to the Purchaser may occur, unless and until Maine State Housing Authority has provided Purchaser and/or Seller with a written determination, on the basis of a federally required environmental review and an approved request for release of federal funds, that purchase of the property by Purchaser may proceed, subject to any other Contingencies in this Contract, or may proceed only if certain conditions to address issues in the environmental review shall be satisfied before or after the purchase of the property.
5. The P&S Agreement states that any deposit made by the purchaser is refundable if the conditions are not met, or, if non-refundable, the deposit is not more than \$1,000.
6. You do not close on the purchase of the project site or otherwise acquire title to the project site during the Choice Limiting Action Prohibition Period.

Overview of Environmental Review

The environmental review of the project requires MaineHousing to review the effect of the project on resources protected by various federal laws, regulations and policies and to determine any necessary compliance actions under these laws, regulations and policies. In addition, MaineHousing must evaluate the effects on the project of certain environmental and other conditions and determine whether any compliance actions by the developer or modifications to the project are required to eliminate or minimize adverse impacts.

Any required compliance action can add costs and time to a project, if compliance is possible at all. Sometimes, there are features of a project that make compliance either impossible or costly and time-consuming at best. For that reason, we want applicants to be aware of the following categories of environmental review that often result in compliance issues. If possible, applicants should avoid project sites within any of the categories outlined below.

Please note that the categories of environmental review outlined below are not the only categories that can give rise to compliance issues. Depending on the unique features of a project site, compliance issues may also arise under other categories of environmental review. Projects that cannot satisfy compliance requirements due to costs, limitations of the

project site, legal prohibitions, or other reasons will not receive any funding, including project-based rental assistance, from MaineHousing under this Program.

Location in a Floodplain. If a project is located in a 100-year floodplain, as designated on FEMA's flood insurance rate map for that location, or sufficiently close to the floodplain to cause a floodplain impact, HUD's environmental review rules require that the project go through an 8-step decision-making process that includes identifying and discussing alternatives to locating the project in the floodplain, identifying impacts to the floodplain, and taking steps to mitigate impacts to the floodplain. The 8-step decision-making process is a process intended to involve the public and therefore requires publishing notices concerning the proposed location of the project in the floodplain and the intended action after the information noted in the previous sentence is considered. Flood insurance for a project located in a floodplain is required by MaineHousing.

Location in a Wetland. If a project is located in a wetland, or sufficiently close to a wetland to cause a wetland impact, HUD's environmental review rules require that the project go through the 8-step decision-making process described above.

Location in an Airport Runway Protection Zone. HUD's environmental review rules do not allow HUD financial assistance, including project-based rental assistance, to be provided to projects involving new construction or major rehabilitation that are located within certain distances of the ends of runways at commercial airports or military airfields due to the incidence of aircraft accidents in those locations. These areas are known as runway protection zones. In Maine, the relevant airports are Augusta State Airport, Bangor International Airport, Hancock County/Bar Harbor Airport, Knox County Regional Airport (Rockland), Northern Maine Regional Airport (Presque Isle), and Portland International Jetport. Each of these airports has an airport layout plan with defined runway protection zones. The maximum area for runway protection zones for these commercial airports is 2,500 feet long (measured from the ends of the runways) by 1,750 feet wide (875 feet from each side of the centerline of the runways).

Location near Thermal or Explosive Hazards. HUD's environmental review rules require that projects be located within an acceptable separation distance of stationary above-ground tanks containing flammable or explosive substances that are on the project site or within sight distance of any point on the project site. Acceptable separation distance is determined based on the size of the hazardous tank and takes into account both buildings and unprotected outdoor areas such as parking lots, patios/decks/balconies, walkways, recreation areas, etc. where people might be present. If the tank is not located within an acceptable separation distance, HUD's environmental review rules require the hazard to be mitigated. Mitigation measures can include any one or more of the following approaches, which need to be approved by MaineHousing prior to being implemented: relocating the tank so that it is an acceptable separation distance from the project building(s) and unprotected outdoor areas; burying the tank; constructing a blast barrier; and converting to another source of fuel.

S. Housing Registry

Successful applicants under this RFP will be required to provide all information required by MaineHousing and SocialServe to list their properties on MaineHousing's Housing Registry Website, www.mainehousingsearch.org.

T. Accessibility/Fair Housing and Equal Opportunity

The applicant shall comply with all applicable Federal and State laws, executive orders and regulations pertaining to accessibility, fair housing and equal housing opportunity.

The accessibility requirements for MaineHousing funded projects may be found in the Accessibility Policies and Procedures manual that are now part of the 2012 Quality Standards and Procedures Manual – Appendix A which may be accessed on the MaineHousing web-site at:

<http://www.mainehousing.org/docs/housing-development/quality-standards-appendix-a.pdf?sfvrsn=2>

For purposes of determining accessibility requirements, all projects funded under this initiative are defined as “federally-assisted”.

U. MaineHousing Non-Discrimination Notice

MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability, source of income or familial status in the admission or access to, or treatment or employment in, its programs, and activities. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice), 1-800-452-4603 (TTY in state only), or (207) 623-2985 (TTY).

V. Right to Cancel

MaineHousing reserves the right to reject or cease processing any requests for funding prior to issuance of a MaineHousing letter of commitment. MaineHousing accepts no obligation to finance any proposal until a commitment has been issued and accepted by the applicant in accordance with its terms. The closing of the transaction is conditioned upon meeting the conditions contained in the commitment letter.