

**CITY OF ALLEN**  
**OWNER-OCCUPIED HOUSING REHABILITATION**  
**PROGRAM GUIDELINES**

Unless stated otherwise, general operating procedures contained in the  
CITY OF ALLEN COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL ADMINISTRATIVE GUIDELINES will be followed.

**1. PURPOSE, GOALS AND OBJECTIVES**

- A. The City of Allen will provide financial and technical assistance to low-moderate income residents owning and living in substandard housing located within the jurisdictional boundaries of the City of Allen with funding provided through the Community Development Block Grant (CDBG) and other local, state, or federal resources.
- B. The primary goals of this program are:
  - 1. To assist low-moderate income property owners in the rehabilitation of their dwellings;
  - 2. Eliminate housing code violations; and
  - 3. Upgrade neighborhoods.
- C. Through this program, the City will help to provide decent, safe, and sanitary housing for residents and to promote a viable housing stock. Rehabilitation efforts will bring existing substandard housing units into compliance with the local codes, Department of Housing and Urban Development's (HUD) Housing Quality Standards, and other applicable building codes as determined by the funding resource.
- D. The primary focus is to improve through rehabilitation efforts the long term, structurally sound housing stock of the City rather than to assist houses which will continue to be substandard following the infusion of program funds.

**2. DESIGNATED AUTHORITY -**

**COMMUNITY DEVELOPMENT DEPARTMENT**

- A. Administrative authority for operation of the programs will rest with the office of City Manager as designated by the City Council of the City of Allen. The Community Development Planner, referred to henceforth as “staff”, will serve as the approving officer for program assistance, assure proper signatures are in place for all approved contracts, and will authorize any required change orders to the contract. Staff will provide final approval for projects, including Owner-Occupied Housing Rehabilitation, Urgent Repairs, and Accessibility Improvements. Staff will serve as the approving officer for budgeting, program eligibility, procurement, contract development and monitoring, and the daily program administration.

**3. ELIGIBILITY REQUIREMENTS**

Eligibility requirements must be met for both the applicant’s household and the property. Both the applicant and the property must be certified as eligible based on the following:

- A. **Applicant Eligibility Requirements** - Funds are intended to serve low-moderate income residents who have limited means of financing needed repairs and improvements. To be eligible for financial assistance through this program, applicants must meet the following criteria:
1. The applicant homeowner or spouse must be a United States citizen;
  2. Household income must be less than 80% of the median income for the City of Allen as determined on an annual basis, adjusted for family size. All income of any person who resides or who is expected to reside in the structure in the subsequent 12-month period will be included in income eligibility determination. Income will be calculated using HUD's Section 8 income definitions and guidelines, using HUD's CPD income eligibility calculator tool, except the value of the applicant's equity in the dwelling will not be included as an asset. If projects are funded with funds that allow for or require alternate income levels, then those income levels will be utilized. Income and asset verification will be re-certified as required by funding regulations;
  3. Applicant must be the homeowner-occupant of the dwelling for which rehabilitation assistance is requested for a minimum of one year, current on mortgage payments, and reside within the City of Allen. The period of time an applicant has lived in a property under Lease for Purchase or Contract for Deed purchase may be taken into consideration in calculating the length of residence. Additionally, the City may consider the length of occupancy of a new property owner if that owner acquired the property through heirship and had resided in the property as their principal residence for a minimum of one year prior to the time of application. Further, the property must be the homeowner's principal residence. Homeowner must present proof of ownership by General or Special Warranty Deed, or other verifiable form of ownership determined acceptable by the City. Staff will verify ownership with title searches on the property containing the dwelling to be rehabilitated. In situations where the homeowner does not have clear title, the homeowner will be required to clear title. When meeting this requirement is not feasible, applicant must present proof of ownership by General or Special Warranty Deed showing fee simple title of 50% or more ownership in the homeowner's name. All other title holders will be requested to relinquish their title rights to the homeowner. If 100% title is not gained in this manner, then all other title holders will be requested to sign applicable project and lien documents to show their consent to the project. Homeowners with less than 100% fee simple title must have a continuing legal right to occupy the premises, such as a life estate;
  4. If the applicant is purchasing the home by a "Contract for Deed" or similar contract, applicant is not eligible for assistance until all contractual obligations have been met and applicant gains title. Applicant is not eligible for assistance until a Warranty Deed or Deed of Trust is filed in the applicant's name;
  5. Applicant must provide documentation for all existing liens. All current lienholders will be requested to subordinate their lien position to the City. Upon review and determination by the Community Development Planner, the City may accept a lesser lien position if it is determined that the City's low-moderate income affordable housing goals are being accomplished by the completion of the project. Applicant must provide documentation to verify that any existing mortgages on the dwelling are in satisfactory compliance with payment requirements.
  6. Applicant must establish that all property taxes are paid on the subject property and that all other liens are satisfied or released in accordance with these guidelines. Homeowners owing delinquent property taxes will not be considered for assistance. However, applicants owing delinquent property taxes may be considered for assistance if they are

enrolled in a county approved tax payment plan. At a minimum, the applicant must have six consecutive months of timely payments on a payment plan structured to bring taxes current in a timely manner.

7. Applicant must own and occupy a house which is deemed substandard in accordance with the City's adopted Land Development Code - Article 3 - Building Regulations, the City's Construction Specifications Manual (<https://www.tdhca.state.tx.us/single-family/training/docs/14-TMCS.pdf>), and HUD's Housing Quality Standards or exhibit conditions detrimental to the resident's health and safety;
8. Criteria to be used in evaluating applications for assistance will be based on the time and date that all application requirements are met and verified, with urgent and essential repairs taking precedence;
9. Applicants shall provide complete and accurate information regarding their household composition, household income, and housing situation. Failure to disclose accurate and complete information which may affect eligibility requirements shall also constitute fraud. Applicants shall be required to make full restitution to the City, including the forfeiture of a deferred, forgivable lien position, if applicants submit inaccurate or incomplete information to meet eligibility requirements. Requests for further assistance will be denied unless restitution is made in full;
10. The number of recipients to receive assistance will be subject to availability of funds;
11. Homeowners will agree to conform to all requests for correction of "property maintenance" violations such as high weeds, trash, debris, junk vehicles, etc. prior to being determined eligible for rehabilitation housing assistance. Homeowners agree to maintain dwelling and exterior grounds in accordance with generally acceptable community standards.
12. Applicants shall not exceed the lifetime program cap of \$40,000 including any combination of home repair and urgent repair assistance. Preference may be given to applicants who have not previously received assistance.

B. **Property Eligibility Requirements** - Funds are intended to serve owner-occupied residential dwellings that have been deemed substandard in accordance with the local codes and HUD's Housing Quality Standards, dwellings with conditions detrimental to the resident's health and safety, and dwellings occupied by an elderly, handicapped, or disabled member needing modifications to improve accessibility. To be eligible for financial assistance through this program, the owner-occupied properties must meet the following requirements:

1. Must be zoned to allow for single-family construction, meet any applicable land development codes, and be located within the designated Target Areas as defined in the City's Consolidated Plan or Annual Plans, as amended.
2. May not have existing property code violations related to property maintenance such as high weeds, trash, debris, junk vehicles, etc. Any liens placed on a property for correcting any past or present code violations must be paid in full by the time the determination of initial eligibility is completed. Any items cited as a code violation must be removed or corrected prior to any assistance being provided;
3. Must be serviced or be accessible to a City-approved water supply, sanitary sewer, and electrical system;

4. Must comply with and meet all environmental regulations, such as historical, floodplain, noise, lead, etc. within program budgets; and
5. Must be covered by an approved homeowner's insurance policy. If the property is not currently insurable because of its present condition, then the applicant must sign an agreement to secure homeowner's insurance to satisfy this eligibility requirement. Proof of homeowner's insurance must be provided at project completion.

#### **4. SELECTION PROCEDURE AND TARGET AREAS**

- A. During the City's Consolidated Plan and Annual Plan development process, staff will collect and review census block-group data. Relevant information will include the percentage of low-moderate income persons; the age and condition of the housing; and the condition and presence of public facilities such as curbs and gutters, neighborhood parks, and community centers. Citizen comments and input will be gathered during the public hearing process regarding the need for services. Staff will develop a proposed "Target Area" that will be recommended to City Council for approval. If feasible, the defined area for the annual Target Areas will be based on the City's low-moderate income census block groups.
- B. The City will dedicate a significant portion of federal funding for eligible projects within the Target Area. If desired, the remainder of the federal funding will be available city-wide for eligible affordable housing and public facility projects and activities. This selection process concentrates services and projects within small areas or neighborhoods annually so that a distinctive impact can be documented and observed.
- C. After the Target Area is identified and approved, staff will conduct public hearings and meetings and publish public notices and press releases to notify the citizens regarding proposed CDBG-funded projects and available funding for the Target Area.
- D. Homeowners residing within the Target Area will be encouraged to apply for rehabilitation assistance. Applications will be accepted year-round. Once an application is submitted and accepted, the application will be placed on a waiting list based on the time and date of the application. In order of receipt, staff will proceed with the verification of eligibility requirements including, but not limited to verification of household income, occupancy status, ownership status, payment of property taxes, and the existence of liens, and as described fully in Section 3. The waiting list will be purged once or twice a year. Applicants on the waiting list will be required to submit an updated form within a two-week period, failure to submit the form will result in being removed from the waiting list.
- E. Once all eligibility requirements have been verified, applicants will then be contacted to schedule an appointment with the Community Development Planner and will then proceed with project development to determine the feasibility and time frame of the rehabilitation needed to bring the dwelling into compliance with applicable building and housing codes.
- F. If the dwelling unit is determined feasible for rehabilitation, then the City and the homeowner will execute a Rehabilitation Agreement for Homeowners. If the unit is determined infeasible for rehabilitation, then the City will inform the applicant and provide referrals to other agencies as appropriate.
- G. The project will then proceed through the bidding process and if the project is financially feasible and within the program budget amounts, the City will provide a standard form of construction contract, (the City of Allen Owner and Contractor Construction Agreement), to be executed between the homeowner and the selected construction contractor.

1. Standard City of Allen purchasing policies shall apply to the bidding process with the exception that “low bid” will not be the sole determining factor when selecting a contractor. This is due to the fact that there are a limited number of qualified contractors associated with this program and a limit to how many projects one contractor can successfully complete at any given time. It is also the City’s intent to allow the homeowner a degree of input in the selection process with the understanding that final selection will be at the discretion of staff.
- H. Homeowners residing outside the Target Area will be encouraged to apply for the funding that is made available on a city-wide basis, including Urgent Repairs and Accessibility Improvements. Applications will be accepted and placed on a city-wide List based on the time and date of the application. In order of receipt, staff will proceed with the verification of initial eligibility requirements including, but not limited to, verification of household income, occupancy status, ownership status, payment of property taxes, and existence of liens, and as described fully in Section 3. Staff will then proceed with project development based on the availability of funding.
- I. The number of households to receive assistance each year is determined by the availability of funding. Homeowners that have been placed on the waitlist but were not funded will remain on the list to receive in the next funding year.
- J. The City reserves the right to amend or close the application period or process as determined necessary by staff and in accordance with any applicable public notice requirements.

## 5. ALLOWABLE PROJECT COSTS

- A. While general property improvements beyond the scope of code requirements are allowed on a limited basis, they will be undertaken only to the extent that **budget constraints allow** after other rehabilitation priorities are addressed. In an effort to ensure fairness and consistency in developing work write-ups for individual properties, the following rehabilitation priorities in ranked order will serve as the basis on which staff will make decisions regarding the eligibility of specific items:
1. Mandatory work items necessary to bring the property into compliance with the City of Allen Code of Ordinances, Allen Land Development Code - Article 3 - Building Regulations, the City’s Construction Specifications Manual, and HUD’s Housing Quality Standards, including room additions and improvements to relieve serious overcrowding situations in violation of the occupancy guidelines contained in the Section 8 Housing Quality Standards.
  2. Other items and code violations which may be detrimental to the health or safety or residents such as defective paint, basic structural elements, mechanical, electrical, plumbing, etc.
  3. Those items which are code deficiencies, but are not threatening health or safety, or that are incipient violations such as major systems in danger of failure, i.e., water heater that is properly vented, but is within a year or two of its life expectancy or roof within three years of life expectancy.
  4. Items related to conservation of water or energy, or modifications to accommodate handicapped or elderly accessibility, if those modifications are not of an emergency nature.
  5. General property improvements beyond the scope of 1-4 above, but which are nevertheless necessary to put the property in a generally good and readily maintainable condition such as modifications to reduce maintenance costs over the dwelling's life.
- B. Allowable Project Costs will include the following:

1. Development hard costs -- *The actual construction costs including:*
  - a. Costs to meet City and State code construction standards;
  - b. Essential improvements;
  - c. Electrical, plumbing, structural-related improvements;
  - d. Improvements for handicapped persons;
  - e. Repair or replacement of major housing systems in danger of failure; and/or
  - f. General property improvements that are non-luxury improvements.
2. Related soft costs -- *Reasonable and necessary costs, including:*
  - a. Building Permit Fees;
  - b. Building Inspection Fees;
  - c. Surveys, appraisals, and engineering fees, etc.; and/or
  - d. Professional Fees to include third-party related services to prepare, review, or approve work write-ups.

C. Prohibited Costs include the following:

1. Charging the homeowner, a fee related to applying for or receiving owner-occupied repairs;
2. Additions to an existing structure, unless it is necessary to meet housing and building codes or occupancy standards; and/or
3. Purchase of tools or equipment or other similar items.

D. General property improvements designed to improve the overall living environment will be allowed to a limited extent. Services incidental to the project, including surveys, appraisals, and other items, some of which the City is equipped to provide free of charge, are eligible expenditures but, depending on the funding source, may not be considered part of the project cost, but may instead be funded through Administrative or Project Delivery funds.

E. The City will strive to keep homeowners in their homes throughout the rehabilitation process whenever possible. However, unique circumstances, as solely determined by the City of Allen, may dictate that temporary relocation is necessary. This provision is not intended to be used to remove typical inconveniences associated with home rehabilitation, but rather take into consideration circumstances that create an environment wherein the majority of the homeowners' everyday activities cannot be reasonably or safely carried out due to the type of work being conducted or the physical condition of the homeowners themselves. Examples of unique circumstances include but are not limited to work that requires removal of the majority of the contents in the home for a prolonged period of time, displacement from multiple key rooms simultaneously for a prolonged period of time, and/or work that creates an unhealthy or unsafe environment due to a homeowners' documented medical diagnosis or disability. All feasible alternatives should be exhausted prior to considering relocation.

The City will make the sole determination as to whether temporary relocation is necessary and will determine the number of days that the homeowner will be relocated based on scope of work to be conducted. The accommodations associated with the temporary relocation shall be modest in nature, located within the City of Allen and shall not exceed seven days without written approval from the Director of Community Development or designee. The following process will be utilized to determine the relocation accommodations:

1. The number of rooms provided will be based on the number of people in the household and existing living arrangements. For example, a single resident will be provided with one room, whereas a family of four may be provided with three rooms.

2. Staff will price three motels/hotels within the City and will select the most affordable accommodations available. Should a relocation be approved beyond seven days, then staff will also include extended stay and apartment options within the required search in order to find the most affordable option.
3. No per diem will be provided for food or other household supplies throughout the duration of the relocation. However, staff will strive to provide accommodations that include access to refrigeration and microwaves in order to provide for basic food preparation.
4. The City will only fund base costs associated with the relocation such as room rates and standard taxes and fees. Other items such as food, entertainment, destruction of property fees and fine, pet deposits, etc. will be the sole responsibility of the homeowner.
5. Homeowners will be required to sign a relocation agreement prior to the City incurring costs.

All other homeowners will remain in their home during the rehabilitation project and may be provided with a temporary “storage pod” to be located on their property as determined necessary by staff. Unless otherwise approved by staff, homeowners will be responsible for the moving of furniture and other personal items and removal of their items back to their home upon completion of the project. Similar to the relocation provision above, moving costs will only be considered an eligible expense if all other alternatives have been exhausted and the homeowners are physically unable to move the contents on their own.

Should moving or relocation assistance be deemed necessary all associated expenses shall be considered separate from the overall rehabilitation costs and will not count towards the maximum budget limitations.

- F. Rehabilitation work shall comply with the City’s Construction Specifications Manual for Rehabilitation, which defines minimum levels of rehabilitation or construction that projects must meet after completion of the project. The manual also includes technical specifications which define repair and construction methods and materials to be used to achieve program performance standards.
- G. Funds may also be used for minor rehabilitative expenses to outbuildings or fences which pose a threat to the health and safety of the homeowners or to meet code enforcement guidelines. Outbuildings and fences in severely dilapidated condition will be demolished in an effort to eliminate slum and blight. Clearance/Demolition funds will be utilized when available.

## **6. FEASIBILITY OF REHABILITATION**

- A. A detailed inspection of the property by city staff will result in a list of deficiencies which must be corrected. Whether a property is feasible for rehabilitation will be based on staff’s findings and program spending limits. Project feasibility will be determined by assessing:
  1. All costs relating to the rehabilitation of a house must not exceed the maximum loan amount of \$35,000. 25% of the loan amount is reserved for change orders. Any approved change orders will be reflected as amendments to the original loan amount and are subject to approval on a case by case basis.
  2. The estimate of costs needed to correct all code violations or to remedy immediate threats to health and safety in emergency cases must fall below program budget limits and the unit must be determined to be structurally substandard and financially feasible for rehabilitation.

3. If all costs to rehabilitate the structure total more than the maximum loan amount of \$35,000, the application would then go for review.
- B. Projects judged feasible based on the cost estimate shall progress through bidding and, if still feasible, through project completion.
- C. All properties built prior to 1978 must be tested for Lead-Based Paint, and appropriate lead paint procedures followed based on the projected rehabilitation cost.
- D. Applicants owning manufactured housing will not be eligible for rehabilitation funds, but will be immediately considered for Urgent Repairs, or Accessibility Improvements.

## **7. FORMS OF ASSISTANCE AND MAXIMUM ASSISTANCE AMOUNTS**

- A. Financial assistance will be provided to homeowners in either the form of a grant or a deferred forgivable loan depending on the rehabilitation needs of the structure. Execution of the Rehabilitation Agreement for Homeowners will constitute funding commitment for the project. Terms and conditions of the program assistance will be outlined in the various required program documents. For purposes of determining extent of financial assistance, the following principles shall apply:

The City of Allen is offering homeowner rehabilitation assistance in the form of a deferred payment loan. As part of the Program, the City of Allen places a lien on the property (as a “soft second’ lien) that is released upon maturation of the loan (5 years).

Homeowners receiving assistance from the City of Allen are required to have the home remain their principal place of residence for not less than five (5) years from the date of the loan. If the homeowner(s) no longer occupy(ies) the home as their principal residence during the five-year loan term, the homeowner(s) will be obligated to pay the City of Allen the prorated amount of the loan. The deferred payment loan will be forgiven at a rate of 20% per year. Any outstanding balance would be subject to recapture. A lien will be filed listing the City of Allen as a subordinate lien holder.

1. All projects with expenditures less than \$10,000 *or* projects determined by the City to be an Accessibility Improvement project for elderly/disabled homeowners *or* Urgent Repairs shall be in the form of a grant. There will be no lien filed on the property. Projects with expenditures greater than \$10,000 will be financed with a deferred forgivable loan.
2. Applicants with cash equivalents (cash, stocks, bonds, mutual funds, etc.) on hand totaling \$50,000 or more will be required to pay 20% of the total project costs, excluding demolition and temporary relocation expenses. Non-liquid funds in retirement plans such as IRA’s, Keogh accounts, and 401 K’s will not be included in cash available calculations for these purposes. Funds that are liquid (defined as not incurring a penalty for withdrawal) will be considered cash for these purposes.
3. All funds contributed to the project by the homeowner will be held in an escrow account and will be expended on approved construction progress payments before the City utilizes other funding resources including CDBG funds.



4. Applicants shall not exceed a lifetime program cap of \$40,000 including any combination of home repair and urgent repair assistance. Preference may be given to applicants who have not previously received assistance.

B. Maximum Budget Amounts

1. Rehabilitation - \$35,000.00 or \$40,000.00 for households with handicapped or disabled member. The additional \$5,000.00 funding is to be used *only* for special handicap accommodations as determined feasible by staff after examination and verification of household needs.
2. Foundation repairs may be completed in addition to the maximum budget amounts if it is determined necessary by staff or by a professional foundation repair firm.
3. The \$40,000 lifetime cap is considered cumulative and includes any funds expended whether they be for rehabilitation or urgent repairs/accessibility improvements. The only exceptions will be for those items explicitly stated above or change orders associated with an approved scope of work deemed critical to the health, safety and welfare of the residents as determined by the Director of Community Development or designee.

## **8. FEASIBILITY OF REHABILITATION**

- A. A detailed inspection of the property by staff will result in a list of deficiencies which must be corrected. Whether a property is feasible for rehabilitation will be based on staff's findings and program spending limits. Project feasibility will be determined by assessing:
  1. The estimate of costs needed to correct all code violations or to remedy immediate threats to health and safety in emergency cases must fall below program budget limits and the unit must be determined to be structurally substandard and financially feasible for rehabilitation.
- E. Projects judged feasible shall progress through bidding and, if still feasible, through project completion.
- F. All properties built prior to 1978 must be tested for Lead-Based Paint, and appropriate lead paint procedures followed based on the projected rehabilitation cost.
- G. Applicants owning manufactured housing will not be eligible for rehabilitation funds; but will be immediately considered for Emergency Assistance, Urgent/Essential Repairs, or Accessibility Improvements.

## **9. LIEN REQUIREMENTS**

- A. Financial assistance will be provided to homeowners in the form of a deferred forgivable loan. Execution of the Rehabilitation Agreement for Homeowners will constitute funding commitment for the project. Terms and conditions of the program assistance will be outlined in the various required program documents. For purposes of determining extent of financial assistance, the following principles shall apply:

A lien and a deferred, forgivable loan commensurate with the construction cost, not including temporary relocation and demolition costs, amortized using a monthly rate based on the number of months in a 5-year lien period, will be placed on all reconstructed dwellings. The loan will be forgiven at this rate over the 5-year lien period. If the house is sold or transferred before the lien period expires, the homeowner gets credit for every month spent in the house. The credit is subtracted from the total loan amount, which is then owed and due to the City and received and used as program income.

B. The City of Allen will be in the 1st lien position on all rehabilitated housing. However, in situations where 1st lien position is not feasible, the City will accept a lower lien position subject to the review and approval of staff. The lien will not be forgiven until the following conditions are met:

1. The Property and all out-buildings must be maintained to meet all applicable city code requirements;
2. The exterior of the dwelling must be maintained in good repair, including siding, weatherproofing, roof, windows, and doors;
3. All vegetation on the Property, including any lawn, turf, shrubs, bushes, and trees, must be maintained and trimmed on a regular basis;
4. The interior of the dwelling shall be kept in a clean and sanitary living condition;
5. The full value of the Property, with all improvements thereto, must be fully insured against loss, including casualty and fire coverage, by a standard homeowner's policy. The City reserves the right to request documentation at any point during the lien period. Failure to provide such documentation could lead to repayment;
6. Mortgage payments, if any, and all hazard or homeowner's insurance premiums and property taxes, including any applicable payment plans on the Property shall be paid on a timely basis, with verification of such payment being provided to the City, upon request, on an annual basis during the lien period;
7. With the exceptions noted in (a) or (b) below, Owner must reside in the unit for the term of the lien period, but in no case, less than five (5) years; and
  - a. In the event of a sale or transfer of ownership due to Owner's death or medical inability to occupy the dwelling during the applicable lien period, the lien conditions will be deemed as satisfied if the following conditions are met:
    - i. The Owner or heir may sell or offer the assumption of the deferred, forgivable loan to a low/moderate income family approved by the Community Development Department ; or
    - ii. If the unit is occupied by the controlling or surviving family members, regardless of income status.

The City will negotiate a modification and/or continuation of the note with the owner-occupant heirs depending on the beneficiary's income and ownership circumstances.

- b. In the event that the homeowner/spouse must move from the dwelling due to employment circumstances, including job transfers, unemployment, employment requiring relocation to another city, or other life circumstances approved by staff, then the lien requirements may be deemed as satisfied upon review and approval by the Community Development Planner.

8. In the event of a sale or transfer of ownership in which the conditions specified in 7a and 7b above are not met, then the unforgiven balance of the deferred loan amount will become due immediately.
- C. If within the applicable lien period the homeowner defaults, the loan will be called due in full and foreclosure proceedings may be initiated. The City will make every effort to work with the homeowner to avoid foreclosure and will examine each situation on a case by case basis.

## **10. URGENT REPAIRS (including essential and emergency repairs)**

- A. Assistance may be provided to homeowners residing in structures judged by staff to be detrimental to the health and safety of the homeowner-occupant(s) and requiring immediate attention. The sole intent of these funds is to eliminate hazardous situations and restore the dwelling unit to a non-threatening status. Additionally, on properties determined eligible for Urgent Repair assistance, the City may fund Essential Repairs that are non-life-threatening and non-cosmetic in nature as determined by staff and documented in Section B of the Determination of Eligibility for Urgent Repairs and Accessibility Improvements Program. Funds must first be utilized for Urgent Repairs, with the remaining balance being available for Essential Repairs. This assistance will be available city-wide to eligible homeowners.
- B. Staff will inspect the unit to determine the severity of the needed repairs and will make the sole determination as to the eligibility of the dwelling for Urgent Repair Assistance. If the situation is determined not to be detrimental or threatening, the homeowner will be encouraged to complete applications for other assistance that might be available.
- C. Maximum Budget Amount - \$5,000.00 within any 2-year period. If another request for assistance occurs during that 2-year period and if the item(s) again constitutes necessary urgent repairs, the eligible budget allowable will consist of the difference between \$5,000.00 and the original project cost. If the full budget amount of \$5,000.00 was entirely expended in the original project, then the request for assistance will be determined by staff at that time.
- D. Examples of items that will be considered Urgent Repairs include, but are not limited to:
1. No water, no hot water, or damaged and/or severely leaking water pipes;
  2. Standing raw sewage;
  3. Electrical hazards such as loose and live wiring, breakers not holding amp service, no electric power to the house, shocks from switches and/or plugs, or loss of power to essential major appliances such as refrigerators, stoves, or essential medical equipment;
  4. No heating source in the unit, or if the furnace has been determined to be hazardous by the utility company;
  5. Severely leaking roof subject to collapse of ceilings;
  6. Removal of architectural barriers (Accessibility Improvements - See Section 10);
  7. A floor area weakened by water damage, subject to collapse; and/or
  8. Other situations as determined solely by staff to be an immediate threat to the health or safety of the occupants, including air conditioning.
- E. Assistance will be in the form of a grant, with no lien being filed on the property.
- F. Staff may waive routine program processes and procedures for eligibility such as accepting an abbreviated application, viewing income/ownership documents on-site, accepting self-certification of ownership, income, etc., in cases where an immediate danger to health, safety, or

sanitation exists. The homeowner will be required to provide written documentation and verification regarding eligibility issues within three (3) days of request for assistance.

- G. The following items are examples of repair issues that will not be considered urgent or emergency repairs: cosmetic treatments; minor roof problems; minor roof leaks; sloping foundations; painting; maintenance items; drafty or broken windows; poorly functioning doors; drywall damage; overcrowding, etc.
- H. The following items are examples of Essential Repairs contained in Section B of the Determination of Eligibility for Urgent Repairs or Accessibility Improvements Program: Essential Structural Elements such as ceilings, walls, siding, sheathing, fascia, soffit, foundations, flooring, and subflooring; roofs; security issues such as inoperable or missing locks or non-functioning doors or windows; and weatherization issues such as broken or missing window panes or non-weatherized exterior doors or windows.
- I. Additionally, if the needed Urgent Repairs meet the following definition for Emergency Repairs, then the City may proceed with the Emergency Repair process which includes an environmental clearance level of Exemption, and a streamlined process for determining eligibility and bidding procedures as described below.
  - 1. The current definition of an emergency, as provided by the Fort Worth HUD office, is:
    - a. “a situation or condition that occurred without warning and within two (2) weeks of the application for assistance; and
    - b. is detrimental or a threat to the life, health or safety of occupants; and
    - c. requires immediate action. Immediate action is defined as 24-72 hours.”
  - 2. The applicant must be the owner and occupant of the home to be repaired.
  - 3. The applicant’s annual income must not exceed 80% of the median income for the City of Allen as published by HUD.

Emergency Repair projects are exempt from Environmental Clearance requirements and from Lead-Based Paint compliance unless the emergency repair will result in disturbing a painted surface. However, if any work is completed beyond that which is required to correct the emergency situation, then the City has to comply with both of the above.

Routine bidding procedures are waived for projects determined to be of an emergency nature, since the intent and purpose of the program is to provide an “immediate removal of health or life endangering situations”. Staff will obtain three (3) informal quotes and use professional judgment to guarantee best price. However, in the event that the nature of the emergency does not allow staff with sufficient time to seek 3 quotes and with the prior approval of the Community Development Director or designee, staff may procure the needed services with a responsible and qualified vendor selected from the City of Allen Approved Vendors List.

## **11. ACCESSIBILITY IMPROVEMENTS**

- A. CDBG funds may be utilized to conduct improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or disabled persons in owner-occupied residential dwellings. The intent of these funds is to provide essential home modifications that increase accessibility, safety, and security as needed to maintain independence. Assistance will be available on a city-wide basis to eligible households.

- B. This assistance may be provided to low-moderate income households that contain elderly, disabled, or handicapped members. Disability status may be verified through the receipt of Social Security Disability payments, Veteran’s Disability payments, or independently verified by a physician’s statement which includes a description of the modifications needed to maintain or improve the person’s independence. Eligible disabilities include, but are not limited to, physical, sight, or hearing impairments.
- C. Eligibility requirements:
1. The applicant must be the owner and occupant of the home to be repaired.
  2. The household must contain a member that is either elderly (over age 62 years) or disabled or handicapped.
  3. A person with a disability is defined as a person who:
    - a. Has a physical, mental, or emotional impairment that:
      - i. is expected to be of a long, continued, and indefinite duration;
      - ii. substantially impedes his or her ability to live independently; and
      - iii. is of such a nature that the ability could be improved by more suitable housing conditions; or
    - b. Has a developmental disability, as defined in Section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007).
  4. A handicapped person as defined by the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102 (1990), is a person who:
    - c. Has a physical or mental impairment which substantially limits one or more of the person's major life activities. “Major Life Activities” are defined as including seeing, hearing, speaking, breathing, walking, learning, performing manual tasks, and caring for oneself; and socialization, education, vocational training, employment, transportation and adaptation to housing. This definition includes persons who may be amputees, temporarily handicapped, wheelchair-bound, or have cancer or other serious physical diseases; or
    - d. Has a record of such impairment, or
    - e. Is regarded as having such impairment.
  5. The household’s annual income must not exceed 80% of the median income for the City of Allen as published by HUD. Income eligibility calculated using HUD’s CPD calculator tool.
- D. Staff will inspect the unit to determine the feasibility of the needed repairs and will make the sole determination as to the eligibility of the dwelling for assistance. The dwelling unit must meet certain minimum property standards in order to be considered for funding, including:
1. The integrity of the structure must be sound enough to withstand the alteration or adaptability of the change for the needed modification;
  2. Load-bearing structural members may not be removed or altered;
  3. Modifications will be designed to provide substantial accessibility in critical living areas such as the bathroom, kitchen, living area, and/or bedroom and then, as the budget allows, throughout the entire unit.
  4. The dwelling must be watertight and free of any electrical hazards.
- E. Maximum Budget Amount - \$5,000.00
- F. Examples of items that will be considered eligible for funding include, but are not limited to:

1. Entry and access considerations:
    - Widen existing exterior and interior doorways;
    - Install a ramp or lift with landing, walkway railings or edge protection; and/or
    - Install lever hardware.
  2. Improve bathroom accessibility:
    - Install reinforced grab bars;
    - Install a sloped roll-in shower;
    - Add non-slip surfaces in tubs, showers, and bathroom flooring; and/or
    - Improve sink and toilet access
  3. Improved kitchen accessibility:
    - Add touch controls appliances;
    - Lower cabinets and shelves; and/or
    - Improve lighting in work areas.
  4. Remove other architectural barriers for increasing safety and independence:
    - Replace flooring with low pile commercial grade carpeting; and/or
    - Raise or lower power outlets and switches to an accessible height.
  5. Provide other appropriate assistive technology for increased safety and independence as allowable within budget restraints and as determined appropriate by staff.
- G. Assistance will be in the form of a grant, with no lien being filed on the property.
- H. Funded projects are exempt from Environmental Clearance requirements and from Lead-Based Paint compliance unless the rehabilitation will result in disturbing a painted surface. However, if any work is completed beyond that which is required to correct the situation, then the City has to comply with both of the above.
- I. Staff will have the authority to waive routine program processes and procedures for eligibility such as accepting an abbreviated application, viewing income/ownership documents on-site, accepting self-certification of ownership, income, etc., in cases where an immediate danger to health, safety, or sanitation exists. The homeowner will be required to provide written documentation and verification regarding eligibility issues within three (3) days of request for assistance.
- J. Routine bidding procedures may be waived if necessary due to a health or safety threatening issue. Staff will obtain three (3) informal quotes and use professional judgment to guarantee best price. However, in the event that the nature of the situation does not allow staff with sufficient time to seek 3 quotes and with the prior approval of the Community Development Director or designee, staff may procure the needed services with a responsible and qualified vendor selected from a list of pre-qualified contractors on the City's Approved Contractor's List or the City of Allen Approved Vendors List. Otherwise, the City's procurement policy for purchases under \$5,000 will apply.