

HOME Grant-Specific Commitment Interim Rule Webinar

**Office of Affordable Housing Programs
January 12, 2017**



Presenters

Ginny Sardone, Director

Peter Huber, Deputy Director

HUD Office of Affordable Housing
Programs



HOME Commitment Requirement

- Section 218(g), NAHA: PJs must commit HOME allocation within 24 months of last day of month in which HUD obligated the grant
- HUD implemented commitment requirement using “cumulative method

***Total commitments from ALL grants must be
Equal to or greater than
Total amount required to be committed through
grant year being examined***



CHDO Reservation Requirement

- Section 231, NAHA – PJs must reserve 15% of allocation to CHDOs within 24 months
- HUD implemented as a “cumulative average”

HUD measured whether PJ reserved an average of at least 15% of HOME funds to CHDOs from all HOME allocations



GAO Opinion

- HUD-OIG raised concern that cumulative method not consistent with Section 218(g)
- Government Accountability Office (GAO) reviewed question & opined that HUD:
 - Must follow plain language reading of statute
 - Cease using the cumulative method and institute grant-specific commitment test



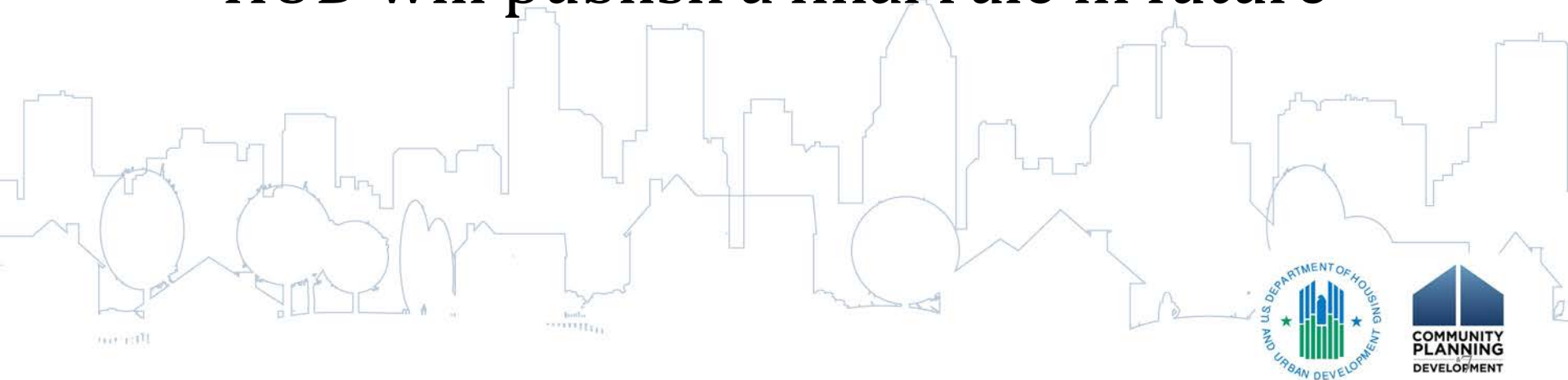
HUD Implementation Efforts

- Reprogrammed IDIS to permit PJs to choose allocation from which it will commit funds to a project or activity
 - Funds drawn for project match source year of committed funds (FIFO change)
- Updated Deadline Compliance Reports to reflect grant-specific deadlines
- Published HOME regulation to reflect grant-specific method



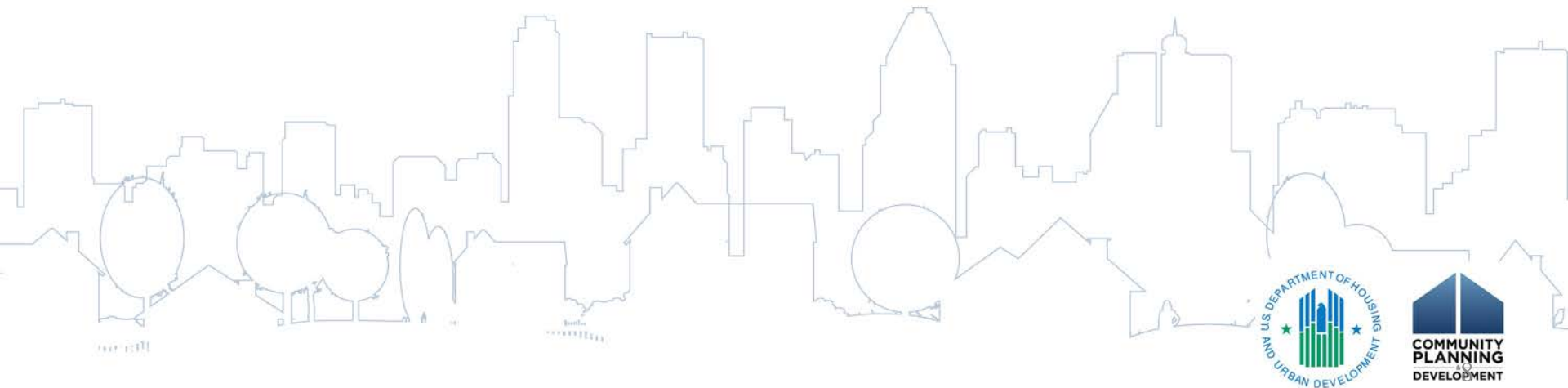
HOME Commitment Rule

- Interim rule
 - Published: December 2, 2016
 - Effective Date: January 3, 2017
 - 60 Day Public Comment Period
 - HUD will publish a final rule in future



HOME Commitment Rule

- Bifurcates method for determining commitment deadline compliance
- FY 2014 and earlier grants – cumulative method/CHDO cumulative average
- FY 2015 and later grants – grant specific



Transition Year - 2017

- In 2016, HUD measured FY 2014 requirement:
 - Commitments - using cumulative method
 - CHDO set-aside (15%) - using cumulative average
- PJs received credit for commitments & CHDO reservations from FY 2015 & later allocations
 - Consequently, HUD must perform one last cumulative commitment test to ensure all funds from FY 2014 and earlier are committed



Transition Year – 2017

- As of PJ's FY 2015 commitment deadline, HUD will measure:
 - FY 2015 grant-specific commitments and CHDO reservations
 - PJs' FY 2014 and earlier allocations' commitments using cumulative method
- PJs must have committed all funds from FY 2015 & earlier HOME allocations
 - Met 15% CHDO set-aside cumulatively through FY 2014 allocation and for FY 2015 grant



Overview of Other Changes

- Changed requirements for use of Local Account Funds (PI, Recaptures, Repaid funds)
- Eliminated 5-year expenditure deadline for FY 2015 & later allocations
- Eliminated separate 5-year CHDO expenditure deadline for FY 2014 & earlier allocations



Overview of Other Changes

- Eliminated IDIS auto-cancellation of projects committed for 12 months with no initial disbursement of funds.
- Funds committed to State recipient or subrecipient must be committed to project within 36 months of HUD grant obligation



Overview of Other Changes

- Definition of commitment (§92.2)
 - 10% admin/planning funds are considered committed at the time HUD obligates PJ's grant unless PJ subsequently reduces AD subfund
 - CHDO operating or capacity building are considered committed when PJ executes written agreement with provider of services
 - Requirements for written agreements added to §92.504 for clarity



Pre-2015 HOME Deadline Requirements

24 CFR §92.500(d)(2)



Pre-2015 Deadline Requirements

- Cumulative commitment requirement for FY 1992-2014 HOME allocations
 - Deadline based on obligation date of 2015 HOME grant
- Cumulative average CHDO reservation requirement
 - Deadline based on obligation date of 2015 HOME grant
 - PJ may be able to request a CR subfund reduction based on cumulative average above 15 percent



Pre-2015 Deadline Requirements

- All pre-2015 funds not committed or reserved to CHDOs by deadline will be deobligated
 - Future grants cannot help to meet requirements
- Pre-2015 grant funds uncommitted or unreserved to CHDOs after deadline will be deobligated



Pre-2015 Deadline Requirements

- Cumulative 5-year expenditure requirement
 - Deadlines based on five years after grant obligation

Grant Obligated in:	Expenditure Deadline in:	Includes HOME Grants from:
2012	2017	1992-2012
2013	2018	1992-2013
2014	2019	1992-2014

- CHDO expenditure requirement eliminated for all HOME grants
 - Added in the July 2013 HOME Final Rule



Pre-2015 Deadline Requirements

- Deadline Compliance Status Report posted to HUD Exchange will reflect the cumulative deadline requirements.
 - Report will be posted here:
www.hudexchange.info/programs/home/home-deadline-compliance-status-reports/
 - Report will be updated monthly.
 - IDIS PR49 will not show these requirements.
 - IDIS will continue to commit and disburse these funds using FIFO.



HOME Deadline Compliance Status Report
Requirement Years: 2014 Commitments, 2014 CHDO Reservations, and 2012 Disbursements
As of 11/30/16
(sorted alphabetically by PJ)

<u>PJ</u>	<u>±</u>	<u>Deadline Date</u>	<u>Original Allocation</u>	<u>Adjustments⁺⁺</u>	<u>Requirement Amount</u>	<u>Total C.R.orD⁺ through Deadline</u>	<u>%</u>	<u>Shortfall</u>	<u>Current Status</u>
Killeen	C	10/31/2017	\$8,127,959	\$0.00	\$8,127,959.00	\$7,923,979.32	97.49	\$203,979.68	
	CHDO-C	10/31/2017	\$8,127,959	\$0.00	\$1,219,193.85	\$1,638,670.33	20.16	\$0.00	
TX	D	9/30/2017	\$7,486,287	\$0.00	\$7,486,287.00	\$7,486,287.00	100.00	\$0.00	
King County Consortium	C	6/30/2017	\$79,617,631	\$0.00	\$79,617,631.00	\$79,581,390.93	99.95	\$36,240.07	
	CHDO-C	6/30/2017	\$78,566,833	\$0.00	\$11,785,024.95	\$16,616,720.83	21.15	\$0.00	
WA	D	4/30/2017	\$74,229,544	\$0.00	\$74,229,544.00	\$74,229,544.00	100.00	\$0.00	
Kitsap County Consortium	C	6/30/2017	\$19,226,838	\$0.00	\$19,226,838.00	\$19,226,838.00	100.00	\$0.00	
	CHDO-C	6/30/2017	\$19,011,350	\$0.00	\$2,851,702.50	\$7,318,915.52	38.50	\$0.00	
WA	D	4/30/2017	\$18,057,528	\$0.00	\$18,057,528.00	\$18,057,528.00	100.00	\$0.00	
Knox County	C	7/31/2017	\$8,706,146	\$11,837.00	\$8,694,309.00	\$8,694,309.00	100.00	\$0.00	
	CHDO-C	7/31/2017	\$8,615,051	\$0.00	\$1,292,257.65	\$1,361,819.05	15.81	\$0.00	
TN	D	6/30/2017	\$8,112,342	\$11,837.00	\$8,100,505.00	\$8,100,505.00	100.00	\$0.00	
Knoxville	C	7/31/2017	\$29,538,607	\$0.00	\$29,538,607.00	\$29,120,086.70	98.58	\$418,520.30	
	CHDO-C	7/31/2017	\$29,209,674	\$0.00	\$4,381,451.10	\$7,421,679.32	25.41	\$0.00	
TN	D	7/31/2017	\$27,964,152	\$0.00	\$27,964,152.00	\$27,964,152.00	100.00	\$0.00	
La Crosse	C	6/30/2017	\$8,062,494	\$0.00	\$8,062,494.00	\$8,048,655.43	99.83	\$13,838.57	
	CHDO-C	6/30/2017	\$8,062,494	\$0.00	\$1,209,374.10	\$1,684,162.75	20.89	\$0.00	
WI	D	6/30/2017	\$7,422,551	\$0.00	\$7,422,551.00	\$7,409,064.21	99.82	\$13,486.79	
Lafayette	C	10/31/2017	\$16,417,251	\$0.00	\$16,417,251.00	\$16,400,120.44	99.90	\$17,130.56	
	CHDO-C	10/31/2017	\$16,269,606	\$229,214.00	\$2,211,226.90	\$4,497,678.18	27.64	\$0.00	
LA	D	10/31/2017	\$15,447,588	\$0.00	\$15,447,588.00	\$15,442,792.33	99.97	\$4,795.67	

NOTE: Any ADDI allocations received through FY2008 are reflected in the Original Allocation and respective Requirements.

+ C: Commitments, CHDO-C: CHDO Commitments, D: Disbursements

++Adjustments could include CHDO reallocations, grant reductions, deobligations, recapture of expired funds, or waivers of deadline requirements due to Presidentially-declared disasters.

* PJ did not receive an allocation until after 2014. Therefore, it has no amount subject to the FY 2016 commitment or CHDO reservation deadline.

** PJ did not receive an allocation until after 2011. Therefore, it has no amount subject to the FY 2016 disbursement deadline.

Due to CHDO deobligation or waiver, PJ could have met its cumulative CHDO reservation requirement with a percentage less than 15%.

Source: Data entered by HOME Participating Jurisdictions into HUD's Integrated Disbursement and Information System (IDIS)

Grant Specific HOME Deadline Requirements

24 CFR §92.500(d)(1)



Grant Specific Commitments

- Grant-specific requirement for FY 2015 and subsequent years' HOME allocations
- Entire grant amount must be committed within two years
 - Deadline based on obligation date of the grant
 - Previous and subsequent years' grants cannot help to meet requirements



Grant Specific Commitments

- Changes to commitment definition at §92.2
 - Administrative and planning costs
 - Written agreement with:
 - State recipient or subrecipient for affordable housing, downpayment assistance, or TBRA
 - CHDO for CHDO operating
 - CHDO for predevelopment loans
 - Organization for CHDO for capacity building
 - Written agreement committing funds to a specific local project (including CHDO set aside projects)



Grant Specific Commitments

- Reflected in IDIS as:
 - Authorized amount of AD subfund (admin)
 - Authorized amount of SU subgrant (state recipient or subrecipient)
 - CO activity funding (CHDO operating)
 - CL activity funding (CHDO predev. loans)
 - CC activity funding (CHDO capacity bldg.)
 - CR activity funding (CHDO set-aside)
 - EN activity funding (regular HOME funds)



Grant Specific CHDO Reservations

- Beginning with 2015 HOME grants
- 15 percent of each grant amount must be reserved to CHDO within 2 years
 - Committed to specific CHDO projects
 - Based on obligation date of the grant
- Written agreement committing funds to a specific local CHDO project (§92.2)
- HUD will no longer reduce CR subfunds upon request



Grant Specific CHDO Reservations

- Reflected in IDIS as:
 - CR activity funding (CHDO set-aside)
 - CL activity funding (CHDO predev. loans)
 - CC activity funding (CHDO capacity bldg.)
- CR, CL, CC subgrants do not count as CHDO reservations (or commitments)!
 - Changed under the July 2013 final rule



SU Commitment Deadline

- Funds committed to a state recipient or subrecipient before the 24-month commitment requirement must be committed to a specific local project within 36 months
 - Deadline based on obligation date of the grant
 - 1 year after the 24-month deadline
 - Written agreement committing funds to a specific local project
 - Funds in SU subgrants in place at 24 months must be committed before 36 months



Grant Specific Expenditures

- Five-year expenditure requirement eliminated for FY 2015 and subsequent allocations
- Five-year CHDO expenditure requirement eliminated for all HOME allocations
- National Defense Authorization Act applies
 - Grants expire 5 years after period of availability for obligation
 - Pre-2015 = 8 years (3 + 5)
 - 2015, 2016 = 9 years (4 + 5)
 - FYI - 2010 grant expires at end of FY 2017



Grant Specific Deadline Requirements

- Commitment and CHDO reservation requirements
 - Uncommitted funds deobligated if 24 month requirement is not met
 - Opportunity for PJs to provide documentation of commitments / CHDO reservations not in IDIS
 - Funds becoming uncommitted after 24 months also deobligated
- Expiring grant funds
 - Recaptured by U.S. Treasury after expiration



Grant Specific Deadline Requirements

- IDIS release 11.13 in early February 2017 will enforce grant specific HOME deadline requirements
 - 24-month commitment requirement
 - 24-month CHDO reservation requirement
 - 36-month SU commitment requirement
 - NDAA expiration of funds
- HOME Deadline Compliance screen in IDIS
 - Link from Grant screen



Grant Specific Deadline Requirements

- Grant Specific Deadline Compliance Status Report posted to HUD Exchange for each year's grant will reflect the grant specific deadline requirements.
 - Report will be posted here:
www.hudexchange.info/programs/home/home-deadline-compliance-status-reports-grant-specific/
 - Posted report will be updated monthly.
 - IDIS PR49 will have a grant specific version.
 - PJ will use grant based accounting to commit and disburse these funds.



HOME Deadline Compliance Status Report

Requirement Years: 2015 Commitments, 2015 CHDO Reservations, and 2015 Disbursements
As Of 11/30/2016

(sorted alphabetically by PJ)

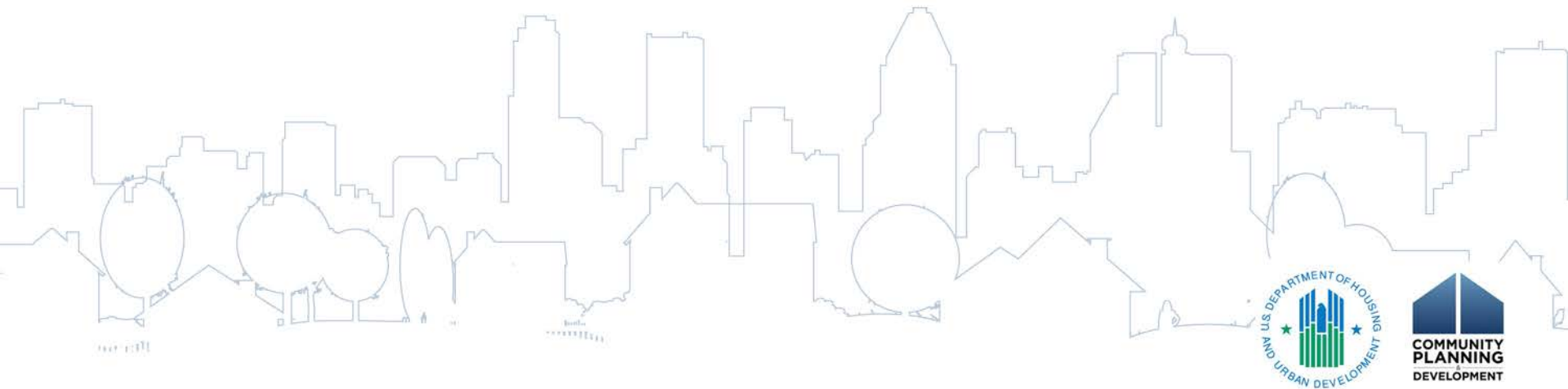
<u>PJ</u>	<u>+</u>	<u>Deadline Date</u>	<u>Original Allocation</u>	<u>Adjustments⁺⁺</u>	<u>Requirement Amount</u>	<u>Total C.R.orD⁺ through Deadline</u>	<u>%</u>	<u>Shortfall</u>	<u>Current Status</u>
Charlottesville Consortium	C	7/31/2017	\$455,749.00	\$0.00	\$455,749.00	\$189,061.33	41.48	\$266,687.67	
	CHDO-C	7/31/2017	\$455,749.00	\$0.00	\$68,362.35	\$0.00	0.00	\$68,362.35	
VA	SU	7/31/2018	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00	
	D	9/30/2023	\$455,749.00	\$0.00	\$455,749.00	\$121,098.00	26.57	\$334,651.00	
Chattanooga	C	7/31/2017	\$665,430.00	\$0.00	\$665,430.00	\$534,965.50	80.39	\$130,464.50	
	CHDO-C	7/31/2017	\$665,430.00	\$0.00	\$99,814.50	\$0.00	0.00	\$99,814.50	
TN	SU	7/31/2018	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00	
	D	9/30/2023	\$665,430.00	\$0.00	\$665,430.00	\$73,764.00	11.09	\$591,666.00	
Chesapeake	C	9/30/2017	\$361,113.00	\$0.00	\$361,113.00	\$261,063.30	72.29	\$100,049.70	
	CHDO-C	9/30/2017	\$361,113.00	\$0.00	\$54,166.95	\$0.00	0.00	\$54,166.95	
VA	SU	9/30/2018	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00	
	D	9/30/2023	\$361,113.00	\$0.00	\$361,113.00	\$46,426.00	12.86	\$314,687.00	
Chester	C	7/31/2017	\$231,438.00	\$0.00	\$231,438.00	\$34,714.80	15.00	\$196,723.20	
	CHDO-C	7/31/2017	\$231,438.00	\$0.00	\$34,715.70	\$0.00	0.00	\$34,715.70	
PA	SU	7/31/2018	\$0.00	\$0.00	\$0.00	\$0.00	0.00	\$0.00	
	D	9/30/2023	\$231,438.00	\$0.00	\$231,438.00	\$34,715.00	15.00	\$196,723.00	
Chester County	C	7/31/2017	\$749,710.00	\$0.00	\$749,710.00	\$326,529.25	43.55	\$423,180.75	
	CHDO-C	7/31/2017	\$749,710.00	\$0.00	\$112,456.50	\$0.00	0.00	\$112,456.50	
PA	SU	7/31/2018	\$200,000.00	\$0.00	\$200,000.00	\$100,000.00	50.00	\$100,000.00	
	D	9/30/2023	\$749,710.00	\$0.00	\$749,710.00	\$270,355.00	36.06	\$479,355.00	

+ C: Commitments, CHDO-C: CHDO Reservations, D: Disbursements

++Adjustments could include CHDO reallocations, grant reductions, deobligations, recapture of expired funds, or waivers of deadline requirements due to Presidentially-declared disasters.

Due to CHDO deobligation or waiver, PJ could have met its cumulative CHDO reservation requirement with a percentage less than 15%.

Other Changes



Local Account Funds

- Beginning w/2017 annual action plan:
 - Must include local account funds received during the program year in the following year's annual action plan.
- Applies to all funds in the local account, including:
 - Program income (PI)
 - Recaptured funds (HP)
 - Repayments to the local account (IU)



Local Account Funds

- Commit and disburse for the same HOME activity – grant based accounting
 - Instead of disbursing first for any activity
- Commit to activities before Treasury account funds (i.e., the PJ's grant)
 - Except for CHDO set aside funds (CR, CL)
 - IDIS will enforce after release 11.13



Local Account Funds

- No longer have to be disbursed before Treasury account funds
 - Unless committed to an activity with Treasury account funds
 - IDIS will enforce after release 11.13
- PJs start accumulating and planning for local account funds now!
 - Most are currently in 2016 program year
 - Action plans not due until allocations announced



Local Account Funds

- Commitment requirement 2 years after the start of the program year
 - E.g., local account funds received in program year 2016 must be:
 - Included in FY 2017 annual action plan
 - Committed before 2017 grant funds
 - Committed by commitment deadline in 2019
 - Disbursed before grant funds if committed to the same activity



Auto-cancellation

- Removed §92.502(b)(2)
 - auto cancellation of projects committed in the system for 12 months without an initial disbursement of funds
- IDIS auto-cancellation feature – including flags - will be removed in IDIS release 11.13.
 - Early February 2017
- PR21 HOME Auto Cancel Report will include no new activities after release 11.13.



Additional Information

- Commitment changes including interim regulation, summary, webinar and other resources can be found at:
<https://www.hudexchange.info/news/changes-to-home-program-commitment-requirement-interim-final-rule/>
- Grant-Based Accounting information can be found at:
<https://www.hudexchange.info/programs/grant-based-accounting/#general-guidance>

