

# Action Plan

**Grantee:** Oakland, CA

**Grant:** B-11-MN-06-0005

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**Grant Amount:** \$ 2,070,087.00  
**Status:** Reviewed and Approved

**Estimated PI/RL**

**Total Budget:** \$ 2,070,087.00

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## Funding Sources

**No Funding Sources Found**

## Narratives

### Summary of Distribution and Uses of NSP Funds:

Response:

The City relied primarily on HUD's NSP3 dataset to look at threshold eligibility and overall foreclosure risk. In addition, the City used data obtained from Realty Trac on completed foreclosures between 2007 and now to determine areas with the highest concentrations of foreclosures, and considered 2000 Census data and obtained from HUD on concentrations of low and moderate income households by tract and block group, poverty rates and unemployment rates to assess potential for a rise in home foreclosures. Consideration was also given to areas that had high percentages of homes financed by subprime loans.

The City refreshed the data used to select target areas in response to the rapidly evolving market conditions. Information on foreclosure completions, foreclosure starts, property value declines and current lending activity from Foreclosure Radar and First American Core Logic was used to inform the City's NSP3 targeting. A report by Urban Strategies Council, Who Owns Your Neighborhood?, that details investor purchase activity around foreclosed properties was also used to inform the selection of target census tracts.

### How Fund Use Addresses Market Conditions:

The City of Oakland, eight miles southeast of San Francisco, sitting on 19 miles of shoreline along the San Francisco Bay, includes 54 square miles of land and has a population of 400,000. The City of Oakland is divided up into seven districts.

The NSP regulations require that the City of Oakland target funds to give priority emphasis and consideration to areas with greatest need based upon the same criteria HUD utilized to make funding allocations. HUD has provided jurisdictions with data that includes a "risk factor". Using this data, and other sources described above staff has determined the areas with greatest need within Oakland. Unfortunately this area includes a large portion of the City of Oakland because of the devastating impact the foreclosure crisis has had on our City.

The City of Oakland has identified over 8,000 homes that were fully foreclosed and taken back by lenders between January 2007 and December 2010. These foreclosures have been most heavily concentrated in West Oakland and East Oakland, where there are multiple foreclosed homes on nearly every block.

While some foreclosed properties are reselling relatively quickly, in neighborhoods that were already dealing with problems of crime and relatively weaker housing markets, foreclosed homes are not moving as quickly. These neighborhoods are thus plagued by a combination of high rates of subprime lending, high foreclosure rates, and high risk of abandonment as homes remain vacant and unsold for many months.

Market conditions in Oakland are rapidly evolving as, the location of new foreclosures shift and increased investor activity alters where REO properties are sitting empty blighting their surroundings. Increased purchases by investors are absorbing REO properties in some neighborhoods and returning them to use as rental housing. While in other neighborhoods irresponsible investors or a lack of any market activity leaves REO properties to sit on the market. A recent report by Urban Strategies Council, Who Owns Your Neighborhood, details this change in investor activity. Many REO properties that sit empty become targets for vandalism and theft, including the removal of copper piping, appliances, cabinets and other items. If left unchecked, these properties will become magnets for crime, causing further declines in



property values that could accelerate the foreclosure problem in a downward spiral.

To allow for NSP3 to react quickly to changing market conditions and maximize its effectiveness the City will be targeting most census tracts with needs scores of 17 or higher. Only those census tracts with needs scores of 17 or higher that are surrounded by otherwise strong neighborhoods will not be targeted. This targeting will include much of East and West Oakland.

The City will still focus NSP3 investments by clustering purchases and investments, but it will not be restricted to clustering in a single tight target area based on outdated information on market conditions. The City will also use the increased flexibility to leverage investments made through other City programs and responsible private investments to help stabilize neighborhoods.

**Ensuring Continued Affordability:**

(  
Long-Term Affordability

The City of Oakland will ensure continued affordability for NSP assisted housing in one of the following ways:

(a) Ownership Housing Affordability Restriction Program: The City will rely on recaptured based affordability mechanisms. Buyers of homes assisted with NSP funds will have affordability restrictions placed on their properties requiring the repayment of NSP funds used for the purchase of the property at the time of sale or as part of an amortization schedule. The length of the affordability restriction will meet or exceed the minimum affordability required by HUD’s HOME program.

(b) Community Land Trust Program: Some NSP assisted homes may be part of a Community Land Trust program. Under the Community Land Trust program, the assisted home will be sold to an eligible buyer and the land will be retained by a nonprofit Community Land Trust. The Community Land Trust will then lease the land to the eligible buyer, and the lease will restrict the appreciation that the homeowner may earn upon sale of the improvements and will require that the improvements be sold to other low- or moderate-income buyers. The lease will also require owner occupancy of the home. This type of Community Land Trust program will meet or exceed the minimum affordability standards of HUD’s HOME program.

(c) Rental Housing Regulatory Restriction Program: The City will record a Regulatory Agreement against the property restricting occupancy to income-eligible households at affordable rents. Rents will be set at affordable rents as defined above. These restrictions will meet or exceed the minimum affordability standards of HUD’s HOME program.

**Definition of Blighted Structure:**

Blighted Structure

Definition of “blighted structure” in context of state or local law.

(a) NSP definition: A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health safety, and public welfare.

(b) State context: California Health and Safety Code Section 33031(a)(1) describes physical conditions that cause blight: “Buildings in which it is unsafe or unhealthy for persons to live or work. These conditions may be caused by long-term neglect, construction that is vulnerable to serious damage from seismic or geologic hazards, and faulty or inadequate water or sewer utilities.”

(c) Local law context: The City of Oakland Municipal Code Chapter 8, Section 24 describes blight as the factors that affect the preservation of the livability, appearance, and social and economic stability of the city. Health and safety hazards and the impairment of property values which result from the neglect and deterioration of property.

**Definition of Affordable Rents:**

Affordable Rents

Affordable rents follow the HOME program standards at 24 CFR 92.252 (a), (c), (e), and (f). Namely, the maximum rents will be the lesser of the fair market rent or 30% of 65% of AMI, with adjustments for the number of bedrooms in the unit, less a utility allowance. Affordable rents for units designated for households with incomes below 50% of AMI will be no more than 30% of 50% of AMI, adjusted for unit size. Such rents may be increased annually after HUD updates fair market rents and median incomes. The minimum period of affordability is as follows:

| Rental Housing Activity  | Minimum affordability period (years) | HOME Standards    | Oakland Standards |
|--|--------------------------------------|-------------------|-------------------|
| Rehabilitation or acquisition of existing housing per unit amount of NSP funds |                                      |                   |                   |
| Under \$15,000   | 5                                    | 15                |                   |
| \$15,000-\$40,000  | 10                                   | 15                |                   |
| Over \$40,000 or rehabilitation involving refinancing                          | 15                                   | 15                |                   |
| New construction or acquisition of newly constructed housing                   | 20                                   | 55                |                   |
| Homeownership Housing Activity   | Minimum affordability period (years) |                   |                   |
|  | HOME Standards                       | Oakland Standards |                   |
| Rehabilitation or acquisition of existing housing per unit amount of NSP funds |                                      |                   |                   |
| Under \$15,000   | 5                                    | 15                |                   |
| \$15,000-\$40,000  | 10                                   | 15                |                   |
| Over \$40,000  | 15                                   | 30                |                   |

The City will grant preference in the award of its NSP funds to projects that propose to maintain affordability for longer than the minimum

period stated above.

### Housing Rehabilitation/New Construction Standards:

#### Housing Rehabilitation Standards

All housing rehabilitation activities assisted by NSP funds will meet federal Housing Quality Standards guidelines and City of Oakland building codes. All rehabilitation work will be subject to the City's Standards for Rehabilitation and Performance Standards and Specifications for Rehabilitation currently used for its regular housing rehabilitation programs. Standards for rehabilitation work are described in this section. Rehabilitation work items are defined according to program priorities established by the City of Oakland's Neighborhood Stabilization Program. A priority system is used to identify and clarify mandatory work items and other work items done to meet program goals. The priority system is based on the following three improvement categories:

Category A: Mandatory work items. Those items that threaten the health and safety of residents (e.g., basic structural, mechanical, electrical, and plumbing systems) and those items that constitute other program specific requirements (e.g., Lead Base Paint Remediation, Termite Repairs and Seismic Retrofitting).

Category B: Those items that are code deficiencies, but are not threatening health and safety, or that are incipient violations. (An example might be a hot water heater that is properly vented, but is within a year or two of its life expectancy). If sufficient dollars are available to address more than all Category A items, then Category B improvements may be undertaken.

Category C: Those items that are not code deficiencies, but instead, are improvements preferred by the owner. These items are considered General Property Improvements and improve the basic habitability of the premises.

These rehabilitation standards for existing residential properties have been developed to provide minimum design and construction standards for Oakland's Neighborhood Stabilization Program. Intended to serve as definitive standards in carrying out Oakland's rehabilitation objectives and goals, these rehabilitation guidelines are drawn from all applicable local codes. They represent the minimum requirements of those codes and, as such, they are intended to provide a minimum acceptable level of rehabilitation for affected properties. The City of Oakland intends for the Rehabilitation Standards for Single and Multi-Family Dwellings to be used to:

1. Assure improved housing that is livable, healthful, safe, and physically sound, and at the same time, is low enough in cost for present neighborhood residents to afford;
2. Provide an acceptable level for residential rehabilitation based on performance, with maximum flexibility to meet local conditions;
3. Encourage innovation and improved technology toward reducing construction costs;
4. Establish standards that will correct code violations, and will serve to identify eligible criteria for the rehabilitation program which will assist homeowners and contractors in developing scopes of work.

### Vicinity Hiring:

The City of Oakland will utilize its Local Hiring policies and procedures to implement the vicinity hiring mandate, focusing these efforts within the target areas of greatest need.

### Procedures for Preferences for Affordable Rental Dev.:

#### Grantee Contact Information:

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## Project Summary

| Project # | Project Title                         | Grantee Activity # | Activity Title                        |
|-----------|---------------------------------------|--------------------|---------------------------------------|
| 1         | General Administration & Planning     | 1                  | General Administration & Planning     |
| 2         | California Hotel                      | 2                  | California Hotel                      |
| 3         | Rental Housing Regulatory Restriction | 3                  | Rental Housing Regulatory Restriction |
| 4         | Community Land Trust Program          | 4                  | Community Land Trust Program          |
| 5         | ROOT PROGRAM                          | 5                  | ROOT PROGRAM                          |
| 9999      | Restricted Balance                    |                    | <i>No activities in this project</i>  |

## Activities



**Grantee Activity Number: 4**  
**Activity Title: Community Land Trust Program**

**Activity Type:**

Rehabilitation/reconstruction of residential structures

**Activity Status:**

Under Way

**Project Number:**

4

**Project Title:**

Community Land Trust Program

**Projected Start Date:**

07/01/2011

**Projected End Date:**

06/30/2012

**National Objective:**

LMMI: Low, Moderate and Middle Income National Objective for NSP Only

**Total Budget:** \$ 0.00

**Other Funds Total:** \$ 0.00

**Total Funds Amount:** \$ 0.00

**Environmental Assessment:**

**Benefit Report Type:**

Direct (Households)

**Proposed Beneficiaries**

|                     | Total | Low | Mod | Low/Mod% |
|---------------------|-------|-----|-----|----------|
| # Renter Households |       |     |     | 0.0      |
| # Owner Households  | 10    |     |     | 0.00     |
| # of Households     | 10    |     |     | 0.00     |

**Proposed Accomplishments**

|                         | Total |
|-------------------------|-------|
| # of Singlefamily Units | 10    |
| # of Multifamily Units  |       |
| # of Housing Units      | 10    |

**Activity is being carried out by Grantee:**

Yes

**Activity is being carried out through:**

Grantee Employees

**Organization carrying out Activity:**

City of Oakland

**Proposed budgets for organizations carrying out Activity:**

| Responsible Organization | Organization Type | Proposed |
|--------------------------|-------------------|----------|
| City of Oakland          | Unknown           | \$ 0.00  |

**Location Description:**

All activities will take place in the area of greatest need.

**Activity Description:**

This activity will provide affordable homeownership opportunities for households earning between 50% and 120% of Area Median Income. All homes assisted under this program will be part of a Community Land Trust program which will require that the homes remain affordable to low-, moderate- and middle-income households in perpetuity.

To implement this activity, the City will require that properties be acquired and developed by a Community Land Trust or conveyed at an affordable price to the Community Land Trust upon completion of rehabilitation work. The Community Land Trust will convey the improvements to the eligible buyer for an affordable price. The affordable price shall be determined or approved by the City and will not exceed the costs of acquisition, rehabilitation and redevelopment of the home. The Community Land Trust will also establish standards for and review the terms of homebuyer mortgages to ensure that such



mortgages will not jeopardize the affordability of the assisted home.

Upon sale of the improvements to the homeowner, the homeowner and the Community Land Trust organization will enter into a long term lease of the land. This ground lease (the "CLT Lease") shall impose owner occupancy and resale price restrictions designed to ensure long-term affordability of the assisted homes to the target income group. The CLT Lease may also permit recapture of any subsidy provided to the homeowner (up to the market rate price of the unit) in the event the homeowner violates the affordability provisions in land lease.

The CLT lease shall have a term of no less than 15 nor more than 99 years. At the time of each resale of an assisted home a new buyer, a new lease may be recorded in order to maintain affordability for the longest feasible time. Preference will be given to projects that impose longer periods of affordability or deeper income targeting.

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**Grantee Activity Number: 1**  
**Activity Title: General Administration & Planning**

**Activity Type:**

Administration

**Activity Status:**

Under Way

**Project Number:**

1

**Project Title:**

General Administration & Planning

**Projected Start Date:**

07/01/2011

**Projected End Date:**

06/30/2014

**National Objective:**

Not Applicable - (for Planning/Administration or Unprogrammed Funds only)

**Total Budget:** \$ 120,087.00

**Other Funds Total:** \$ 0.00

**Total Funds Amount:** \$ 120,087.00

**Environmental Assessment:**

EXEMPT

**Benefit Report Type:**

NA

**Activity is being carried out by Grantee:**

Yes

**Activity is being carried out through:**

Grantee Employees

**Organization carrying out Activity:**

City of Oakland

**Proposed budgets for organizations carrying out Activity:**

| Responsible Organization | Organization Type | Proposed      |
|--------------------------|-------------------|---------------|
| City of Oakland          | Unknown           | \$ 120,087.00 |

**Location Description:**

All activities will take place in the area of greatest need described in Section 2.

**Activity Description:**

This activity addresses the areas of greatest need in East and West Oakland. Assisted households will all be income-qualified persons, including those below 50% of area median income. Each activity administered will ensure continued affordability as described in Section G (3) below. Activities will include planning, outreaching to mortgages, structuring and administering financing, managing the NSP activities and projects as described below, issuing RFPs/Qs for appraisers, contractors, property managers, and/or developers, and reporting and monitoring on the NSP activities.



**Grantee Activity Number: 3**  
**Activity Title: Rental Housing Regulatory Restriction Program**

**Activity Type:**  
 Rehabilitation/reconstruction of residential structures

**Activity Status:**  
 Under Way

**Project Number:**  
 3

**Project Title:**  
 Rental Housing Regulatory Restriction Program

**Projected Start Date:**  
 07/01/2011

**Projected End Date:**  
 06/30/2014

**National Objective:**  
 LH25: Funds targeted for housing for households whose incomes are at or under 50% Area Median Income.

**Total Budget:** \$ 0.00

**Other Funds Total:** \$ 0.00

**Total Funds Amount:** \$ 0.00

**Environmental Assessment:**  
 EXEMPT

**Benefit Report Type:**  
 Direct (Households)

| Proposed Beneficiaries | Total | Low | Mod | Low/Mod% |
|------------------------|-------|-----|-----|----------|
| # Renter Households    | 25    |     |     | 0.00     |
| # Owner Households     |       |     |     | 0.0      |
| # of Households        | 25    |     |     | 0.00     |

| Proposed Accomplishments | Total |
|--------------------------|-------|
| # of Singlefamily Units  |       |
| # of Multifamily Units   | 25    |
| # of Housing Units       | 25    |

**Activity is being carried out by Grantee:**  
 Yes

**Activity is being carried out through:**  
 Grantee Employees

**Organization carrying out Activity:**  
 City of Oakland

**Proposed budgets for organizations carrying out Activity:**

| Responsible Organization | Organization Type | Proposed |
|--------------------------|-------------------|----------|
| City of Oakland          | Unknown           | \$ 0.00  |

**Location Description:**  
 All activities will take place in the area of greatest need.

**Activity Description:**  
 This activity will provide affordable rental housing opportunities for households earning not more than 50% of Area Median Income. All units assisted under this program will be subject to regulatory restrictions recorded as covenants running with the land to ensure continuing affordability. To implement this activity, the City will require developers of NSP-assisted rental housing to enter into a recorded Regulatory Agreement that imposes continuing obligations to manage and maintain the property as affordable rental housing for low income households. Consistent with the HOME Program requirements for "Low HOME Rent units," either (a) rents will be restricted to not more than 30% of 50% of AMI, with an adjustment for tenant-paid utilities, or (b) units that are assisted with project-based rental subsidies may have rents up to the maximum amount provided by the subsidy program provided that tenant

incomes do not exceed 50% of AMI and the tenant-paid portion of rent plus a reasonable utility allowance does not exceed 30% of the tenant household's adjusted income. Occupancy shall be restricted to households with incomes not to exceed 50% of AMI with adjustments for household size. Incomes shall be recertified annually.

The Regulatory Agreement will also impose requirements for ongoing management and maintenance of the property and compliance with all applicable requirements including non-discrimination, affirmative fair marketing and accessibility to persons with disabilities.

Regulatory Agreements shall have a term of at least 15 years. Preference will be granted to projects that propose longer terms of affordability and deeper income targeting.

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**Grantee Activity Number: 5**  
**Activity Title: ROOT PROGRAM**

**Activity Type:**

Homeownership Assistance to low- and moderate-income

**Activity Status:**

Under Way

**Project Number:**

5

**Project Title:**

ROOT PROGRAM

**Projected Start Date:**

11/15/2012

**Projected End Date:**

06/30/2014

**National Objective:**

LMMI: Low, Moderate and Middle Income National Objective for NSP Only

**Total Budget:**

\$ 650,000.00

**Other Funds Total:**

\$ 0.00

**Environmental Assessment:**

EXEMPT

**Total Funds Amount:**

\$ 650,000.00

**Benefit Report Type:**

Direct (Households)

**Proposed Beneficiaries**

# Owner Households

| Total | Low | Mod | Low/Mod% |
|-------|-----|-----|----------|
| 6     |     |     | 0.00     |
| 6     |     |     | 0.00     |

6

0.00

# of Households

6

0.00

**Proposed Accomplishments**

# of Singlefamily Units

**Total**

6

# of Housing Units

6

**Activity is being carried out by Grantee:**

Yes

**Activity is being carried out through:**

Grantee Employees

**Organization carrying out Activity:**

City of Oakland

**Proposed budgets for organizations carrying out Activity:**

**Responsible Organization**

City of Oakland

**Organization Type**

Unknown

**Proposed**

\$ 650,000.00

**Location Description:**

This activity will take place in the areas of East and West Oakland.

**Activity Description:**

This activity will provide assistance loan to a nonprofit to provide financial assistance to homebuyers to purchase homes and residential properties that have been foreclosed upon, abandoned or are vacant Assisted households will all be income-qualified persons, including those below 50% of area median income.

The properties will be purchased at the required 1% discount from fair market value. Values will be established by appraisals conducted in accordance with the NSP regulations. Only properties that meet the NSP definition of vacant, abandoned or foreclosed will be purchased.

To aid homebuyers with damaged credit and the capacity to become responsible homeowners financing mechanisms to assist the purchase of eligible properties will be provided. The nonprofit funded under this activity will originate first and second mortgages to facilitate the purchase of NSP eligible properties. The interest rate and terms of the mortgages made will adhere to NSP non-traditional mortgage requirements.

Pre-purchase housing counseling will be required for all homebuyers. The counseling will consist of at least 8 hours provided by



a HUD approved housing counseling agencies. In circumstances where the homebuyer has a damaged credit profile additional housing counseling after purchase will be required to ensure their ability to sustain homeownership. All homebuyers will meet NSP income qualifications and be otherwise eligible to receive federal funds. NSP funds will be provided to sub-recipients in the form of a loan bearing zero percent (0%) interest. For owner-occupied housing, the City will require that the NSP funds be repaid in part or in full over the period an affordability restriction remains on the property. All funds that are repaid will be recycled into a revolving loan fund to support additional work under this activity. NSP funds provided for acquisition will be disbursed at closing and the City will establish a process for disbursing remaining funds as work is completed.

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**Grantee Activity Number:** 2  
**Activity Title:** California Hotel

**Activity Type:**  
 Rehabilitation/reconstruction of residential structures

**Activity Status:**  
 Under Way

**Project Number:**  
 2

**Project Title:**  
 California Hotel

**Projected Start Date:**  
 07/01/2011

**Projected End Date:**  
 06/30/2014

**National Objective:**  
 LH25: Funds targeted for housing for households whose incomes are at or under 50% Area Median Income.

**Total Budget:** \$ 1,300,000.00

**Other Funds Total:** \$ 0.00

**Environmental Assessment:**  
 EXEMPT

**Total Funds Amount:** \$ 1,300,000.00

**Benefit Report Type:**  
 Direct (Households)

| Proposed Beneficiaries | Total | Low | Mod | Low/Mod% |
|------------------------|-------|-----|-----|----------|
| # Renter Households    | 137   |     |     | 0.00     |
| # of Households        | 137   |     |     | 0.00     |

| Proposed Accomplishments | Total |
|--------------------------|-------|
| # of Multifamily Units   | 137   |
| # of Housing Units       | 137   |
| # of Properties          | 1     |

**Activity is being carried out by Grantee:** No  
**Activity is being carried out through:**

**Organization carrying out Activity:**  
 City of Oakland

**Proposed budgets for organizations carrying out Activity:**

| Responsible Organization | Organization Type | Proposed        |
|--------------------------|-------------------|-----------------|
| City of Oakland          | Unknown           | \$ 1,300,000.00 |

**Location Description:**  
 All activities will take place in the area of greatest need described in Section 2.

**Activity Description:**  
 This activity will provide financial assistance to nonprofit and for-profit entities to purchase and rehabilitate homes and residential properties that have been foreclosed upon, in order to sell or rent such homes and properties to low, moderate and middle income households. Assisted households will all be income-qualified persons, including those below 50% of area median income.

The foreclosed-upon properties will be purchased at a discount from fair market value, in conformance with Section II.Q of the Notice of Allocations, Application Procedures, Regulatory Waivers Granted to and Alternative Requirements for Emergency Homes Grantees under the Housing and Economic Recovery Act (HERA), 2008. The NSP will follow one of the discount methodologies discussed in Section IIQ, namely (i) to set purchase prices below the fair market value in an amount reflecting the expected carrying costs the seller/mortgagee is saving by selling to NSP, with an average discount across all NSP-



purchased properties of at least 10% and a discount for each individual purchase of at least 5%, or (ii) to set purchases at fair market value with an average discount across all NSP-purchased properties of at least 15% and a discount for each individual purchase of at least 5%. Values will be established by appraisals conducted in accordance with the NSP regulations. The extent of assistance will depend on the amount time required to acquire, rehabilitate and sell or rent the property. Units intended for owner-occupancy will be sold at below market rate to income-qualified buyers using either the Ownership Deed Restriction Program or the Community Land Trust Program to ensure continuing affordability to low, moderate and middle income households. Units intended for renter occupancy will be restricted in accordance with the Rental Housing Regulatory Restriction Program.

Acquisition and development subsidy will be provided to developers in the form of a loan bearing zero percent (0%) interest. For owner-occupied housing, the City may require that the NSP funds be repaid in part or in full upon completion of rehabilitation work and sale to an eligible buyer. For rental housing, the City may require that the NSP funds be repaid in part or in full upon completion of rehabilitation work and rental to eligible tenants, or the City may choose to retain the investment of NSP funds in the development for the term of the affordability restrictions. In such cases, the funds will be provided as deferred loans with a simple interest rate of zero percent (0%).

These loans will be evidenced by one or more agreements designed to ensure that the selected developer complies with the discount rate acquisition requirements and performs any necessary renovations to bring each home up to the program's habitability standards within a commercially reasonable timeframe. In addition, the agreements shall ensure that the developer markets the homes in a manner consistent with the program's affirmative marketing guidelines, provides or arranges for at least 8 hours of homebuyer repurchase counseling from a HUD certified counseling agency, and sells the home to an eligible buyer as outlined below.

The jurisdiction will provide funds for the acquisition, rehabilitation and redevelopment of the properties (which shall include related eligible development and activity delivery costs, sales and closing costs or marketing and rent-up costs, and reasonable developer fees in an amount established in advance by the City) to the developer. Any funds provided by the jurisdiction to the developer will be supported by a reasonable development budget approved by the jurisdiction. The jurisdiction will make efforts to ensure that the developer adequately leverages the NSP funds provided by the jurisdiction.

NSP funds provided for acquisition will be disbursed at closing and the City will establish a process for disbursing remaining funds as work is completed.

If any tenants are displaced through the acquisition and/or rehabilitation of projects with NSP funds, the City will adhere to the required relocation assistance under URA.

The City will ensure that the units are subject to one of the following three options:

Option 1 - Deed Restriction. The developer sells the home to an eligible buyer for an affordable price, which shall in no event be greater than the cost to acquire, rehabilitate and redevelop the home. If the affordable price is less than the cost to acquire, rehabilitate and redevelop the home, the City may provide funds (either local or possibly NSP funds) equal to the difference between the developer's eligible acquisition, rehabilitation and redevelopment costs and the affordable price. The City will determine or approve the affordable price. If the City selects this Option 1, then the City will require that the homes become part of the Ownership Deed Restriction Program activity described below.

Option 2 - Community Land Trust. The developer sells the home to an eligible buyer or a Community Land Trust organization for an affordable price, which shall in no event be greater than the cost to acquire, rehabilitate and redevelop the home. If the developer sells the home to an eligible buyer, it will convey only the improvements on the property to the homeowner. The land shall be conveyed to the Community Land Trust by developer (for nominal consideration). If the home is conveyed to the land trust, the land trust shall then sell the improvements only to the eligible buyer for an affordable price and the land trust shall retain the land, which it shall lease to the eligible buyer. If the affordable price is less than the cost to acquire, rehabilitate and redevelop the home, the City may provide the developer with funds (either local or possibly NSP funds) equal to the difference between the developer's eligible acquisition, rehabilitation and redevelopment costs and the affordable price. The City will determine or approve the affordable price. If the City selects this Option 2, then the City will require that the homes become part of the Community Land Trust Program activity described below.

Option 3 - Regulatory Restriction. NSP-assisted units will be provided by the developer as rental housing to persons of very low income. If the City selects this Option 3, then the City will require that the homes become part of the Rental Housing Regulatory Restriction Program activity.

## Action Plan Comments:

### Action Plan History

**Version**

B-11-MN-06-0005 AP#1

B-11-MN-06-0005 AP#2

**Date**

07/25/2011

04/23/2013

