



Governor Steve Bullock

# *Montana Housing*

## *Trust Fund*

### *Allocation Plan*

*2017*



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<http://comdev.mt.gov/Programs/HTF>

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**Montana Department of Commerce**

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## TABLE OF CONTENTS

<b>I. General Information.....</b>	<b>3</b>
<b>II. Grantee Information .....</b>	<b>4</b>
<b>III. Strategic Plan Requirements .....</b>	<b>4</b>
Revised Strategic Plan Screens .....	4
<b>IV. Other Requirements .....</b>	<b>9</b>
Maximum Per-unit Development Subsidy Amount .....	9
Rehabilitation Standards .....	9
Resale and/or Recapture Provisions.....	11
HTF Affordable Homeownership Limits .....	11
State Limited Beneficiaries or Preferences .....	12
Refinancing of Existing Debt .....	12
<b>V. Grantee Certifications.....</b>	<b>12</b>
<b>VI. Required Forms.....</b>	<b>12</b>
<b>Appendices .....</b>	<b>13</b>
Appendix A: Montana’s Targeted Priority Counties	
Appendix B: Certification for Application	
Appendix C: Maximum per-Unit Subsidy Information	

## I GENERAL INFORMATION

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### HTF Allocation Plan

The Housing Trust Fund (HTF) Interim Rule (24 CFR Part 93) made the consolidated plan regulations at 24 CFR Part 91 applicable to the HTF. As a result, the State of Montana (State) will include HTF in its citizen participation plan (§ 91.115), strategic plan (§ 91.315), and annual action plan (§ 91.320). In addition, the State will submit to HUD for review and approval an HTF allocation plan with its annual action plan (§ 91.320(k)(5)). Also, as required in § 91.10, the HTF program will be administered by the State on the same program year it established for all grant programs covered by its Consolidated Plan.

The Housing Trust Fund Program (HTF) is an affordable housing production program that will complement existing federal, state and local efforts to increase the supply of decent, safe, and sanitary affordable housing for extremely low income (ELI) families, particularly the homeless, disabled, elderly, and other disadvantaged populations. Beginning in 2016, the State of Montana will receive and administer an annual allocation of federal funds from the Department of Housing and Urban Development (HUD) for HTF grants through the Montana Department of Commerce (Commerce). The HTF program will help qualified subrecipients direct funds to foster and maintain the construction, rehabilitation, and preservation of affordable rental housing for Montana's most vulnerable families.

HTF program grant application guidelines, the project grant administration manual, and other information and resources are available on the HTF website (<http://comdev.mt.gov/Programs/HTF>). Interested persons may also e-mail Commerce's HTF Program at DOCHTF@mt.gov or call staff at (406) 841-2770, or Montana Relay Service at (406) 841-2702 or 711 regarding any questions they may have about the HTF Program.

HUD will distribute HTF Program funds to the State of Montana's Department of Commerce, who will award grants through a two-phase application process outlined in the HTF Allocation Plan within the 2015-2020 Consolidated Plan to eligible grantees. Commerce will allocate approximately \$2,700,000 to complete HTF Program Activities. These application guidelines establish the process for obtaining HTF financial assistance for housing activities. The application form for these activities is available at the <http://comdev.mt.gov/Programs/HTF>.

The HTF allocation plan is an annual submission to HUD that describes how the State will distribute the HTF funds, including how it will use the funds to address its priority housing needs. The allocation plan also describes what activities may be undertaken with HTF funds and how recipients and projects will be selected. This document is provided as the Montana Housing Trust Fund (HTF) Allocation Plan. It provides responses to all HUD HTF Allocation Plan requirements to amend the sections of the 2015-2020 Montana Consolidated Plan and the 2017-2018 Annual Action Plan, relevant to the HTF program.

## II. GRANTEE INFORMATION

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**State:**

Montana

**FY 2017 HTF Allocation Amount:**

\$3,000,000

## III. STRATEGIC PLAN REQUIREMENTS

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*The State will amend the affordable housing section of the strategic plan to include specific objectives that describe proposed accomplishments the State hopes to achieve and will specify the number of extremely low-income families to which the State will provide affordable housing to (homeownership- § 93.302; rental- § 93.304) over a specific period of time. The State will complete this requirement by including HTF on the **SP-45 Goals screen**.*

### **Revised Strategic Plan Screens**

*In addition to updating the affordable housing section of the strategic plan, the following screens in the eCon Planning Suite consolidated plan template in IDIS will be revised to include HTF.*

- SP-25 Priority Needs: § 91.315(a)(2)- The State will revise this screen to indicate the general priorities for allocating investment of available resources among different needs.*

HTF funds will exclusively benefit extremely low-income households through the construction, rehabilitation and redevelopment activities for rental housing and administrative costs. Therefore, \$2,700,000 will be used for rental housing activities for extremely low-income households; and \$300,000 will be used for administrative costs. Redevelopment, under HTF, means the conversion of a non-residential structure into rental housing for extremely low income households.

**Table 1 - Priority Needs Summary**

Priority Need	Priority Level	Population – Income Level	Family Types	Homeless Categories	Non-Homeless Special Needs
Affordable Housing Preservation and Construction	High	All	All	N/A	Elderly/Frail Elderly Disabled – All Addicted Persons HIV/AIDS Domestic Violence Victims
	<p><b>Description:</b> Encourage the rehabilitation of existing and development of new rental and owner-occupied affordable housing located within walkable neighborhoods and/or served by public transportation systems, particularly for the homeless, disabled, elderly, and other disadvantaged populations. The HTF Program is specifically targeted to the preservation and construction of rental units for extremely low-income families, particularly the homeless, disabled, elderly, and other disadvantaged populations.</p>				
	<p><b>Basis for Relative Priority:</b> As determined in the Needs Assessment, approximately 105,000 households (26%) in the State of Montana have one or more housing problems. The majority of these renters and homeowners are cost burdened, paying greater than 30% of their household income for housing expenses. Further, according to the Housing + Transportation Index and HUD’s Location Affordability Portal, the average household in the State of Montana spends approximately 56% of household income on housing plus transportation costs. Finally, of the 13% of Montanans living with a disability, over 75% of them are 65 years of age or older. Nationally, 32% of persons with a disability in this age category report needing help with or having trouble getting transportation. While Montana is perceived as vast and largely rural, preserving existing housing stock and encouraging higher-density infill housing projects that take advantage of existing buildings, infrastructure and transportation options to recognize the opportunity for mixed-use, flexible-use, and mixed-income projects is an appropriate focus for reducing cost burden. Prioritizing housing options in existing neighborhoods (“location efficiency”) has the additional benefit of increasing walking and cycling options and the health and well-being of all family types, income levels, and populations with special needs.</p>				
Reducing Homelessness	High	All	All	All	All
	<p><b>Description:</b> Encourage activities that provide assistance and shelter to homeless Montanans and those at risk of homelessness, particularly homeless veterans, youths and children, and the chronically homeless living in unsheltered locations. The HTF Program is specifically targeted to the preservation and construction of rental units for extremely low-income families, particularly the homeless, disabled, elderly, and other disadvantaged populations.</p>				
	<p><b>Basis for Relative Priority:</b> The U.S. Department of Housing and Urban Development (HUD) released the 2014 Annual Homeless Assessment Report (AHAR) documenting the national issues related to homelessness. As documented in the AHAR, Montana had an 84.4% increase in the number of homeless individuals between 2007 through 2014; and has the 5<sup>th</sup> highest rate (57.8%), among all states, of unsheltered homeless individuals in 2014 (1,167 homeless and 674 unsheltered individuals). Unfortunately, the AHAR report stated, “Montana also had very high rates of unsheltered unaccompanied children and youth with 74 percent”. Additionally, Montana has the highest rate of unsheltered veterans in the nation (63.3%). Montana’s population has a high percentage of veterans, one in ten individuals in the state are veterans. Lastly, between 2007 and 2014, Montana has experienced the largest change in the number of chronically homeless individuals in the nation, at a staggering 208.4% increase in a seven-year period. While homelessness has declined nationally, reducing homelessness for veterans, children and youths, and the chronically homeless is a critical priority in Montana.</p>				

The overarching goal of the HTF program complement existing federal, state and local efforts to increase the supply of decent, safe, and sanitary affordable housing for extremely low income (ELI) families, particularly the homeless, disabled, elderly, and other disadvantaged populations.

To receive HTF funds, both Commerce and applicants for grants must carry out citizen participation in a manner that complies with the 2015-2020 Montana Consolidated Plan. Commerce encourages applicants to engage with their stakeholders (e.g. community organizations, general public, housing partners, etc.) through informal meetings or planning sessions that make information available, inform of the design of their proposed HTF activity, and otherwise contribute to a meaningful citizen participation process.

The application process for HTF funds is two-phased. Phase One is the submission of an Intent to Apply form, which gives the applicant an opportunity to demonstrate how closely aligned the proposed project is with the State of Montana's targeted geographical priorities, the Consolidated Plan and HTF Program goals, objectives, and regulations, and intent to assist particular disadvantaged ELI families without requiring extensive work by the applicant prior to a baseline determination of eligibility. Commerce will review the Intent to Apply and either:

1. Deny the applicant's project proposal and offer technical assistance for creating a successful future proposal; or
2. Invite the applicant to submit a full Phase Two application.

Phase Two is the submission of a complete and detailed application. Department staff will review and rank all Phase Two full applications on the following priority criteria:

- 1) The targeted geographical data points representing the housing difficulties faced by ELI households and the communities in which they reside;
- 2) The extent to which the proposed project aligns with the goals and objectives of the State of Montana's Consolidated Plan and HTF Program;
- 3) The extent to which the proposed project assists the homeless, disabled, elderly, or other disadvantaged populations;
- 4) The community support for the project, the long-term financial feasibility of the project, the consistency of the project with the community's comprehensive planning efforts, and the capacity of the applicant to implement and manage the grant and the project; and
- 5) The technical feasibility and appropriateness of the proposed project in light of identified needs, potential alternatives, available resources, financing, environmental considerations, and cost estimates.

Applications will be ranked based upon the extent to which the proposed project relates to each ranking criteria. The amount of HTF funding to be recommended will be based upon an analysis of the applicant's proposed level of local financial capacity and participation. Staff may take additional information, based upon knowledge and information about a proposed project or particular community problems, into account in the scoring of an application. The applicant may not submit any additional information after the application deadline unless requested by Commerce staff in order to clarify information already presented in the application.

The ranking team will prepare and submit a report containing the recommended projects. The Director will make the final decision on grant awards and funding.

***HTF Funding Priorities-§ 91.320(k)(5)(i)***

*The State is responsible for distributing HTF funds throughout its jurisdiction according to its housing*

priority needs. The State will revise the **AP-30 Method of Distribution** screen in IDIS. Distribution is described below.

1. The State will not distribute HTF funds through grants to subgrantees.
2. The State will distribute HTF funds by selecting applications submitted by eligible recipients. The eligibility requirements for applicants as defined in § 93.2- definition of recipient are below:

Eligible Recipients are organizations, agencies, or other entities (including public housing agencies, for-profit entities, or nonprofit entities) that receive HTF assistance from the State as an owner or developer to carry out an HTF-assisted project.

To be eligible for HTF assistance, a recipient must:

- (1) Make acceptable assurances to the State that it will comply with the requirements of the HTF program during the entire period that from the time the State selects the recipient to receive HTF funds until the conclusion of all HTF-funded activities;
  - (2) Demonstrate its ability and financial capacity to undertake the eligible activity, comply with HTF regulations and State requirements, and manage the eligible activity;
  - (3) Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable requirements and regulations of such programs; and
  - (4) Have demonstrated experience and capacity to carry out an eligible HTF activity as evidenced by its ability to own, construct/rehabilitate, manage, and/or operate an affordable multifamily rental housing development.
3. The State will distribute HTF funds by selecting application submitted by eligible recipients. At a minimum, as required in § 91.320(k)(5)(i), the selection criteria will include:
    - Priority based upon geographic diversity
    - Applicant’s ability to obligate HTF funds
    - Applicant’s ability to undertake eligible activities in a timely manner
    - For rental housing, the extent to which the project has Federal, State or local project-based rental assistance so rents are affordable to extremely low- income families
    - For rental housing, the duration of the units’ affordability period
    - The merits of the application in meeting the State’s priority housing needs
    - The extent to which application makes use of non-federal funding sources

Montana will distribute HTF funds by selecting applications submitted by eligible recipients. 100 percent of the HTF funds will benefit extremely-low income households and all funds will be used to support rental housing. The criteria to select applications, which each bear equal weight, include:

A. Targeted Geographical Data Points

This criterion considers Geographic Diversity: (IDIS Con Plan and Action Plan SP-10):

The State will prioritize applications for projects from all counties, based on the following metrics compiled by the Department of Commerce, using 2010-2014 American Community Survey data:

- a. Percentage of families in poverty;
- b. Available and affordable housing units;
- c. Rental housing cost burden;
- d. Transportation plus housing cost burden;
- e. Substandard housing conditions; and
- f. Percentage of total population experiencing homelessness.

B. Alignment with Consolidated Plan and HTF Program Goals

C. Extent to which Proposed Project Assists Disadvantaged Populations

D. Support, Long-Term Financial Feasibility, and Coordination & Capacity

Commerce will consider the extent to which each application includes other funding sources and/or concessions. All HTF units in rental housing projects are required to remain affordable as HTF units for a minimum of 30 years. Projects for which the underwriting supports financial feasibility beyond the minimum period, and for which the owner is willing to commit to a longer affordability period, must demonstrate affordability to the maximum required by other funding sources. Proposals which include funding from other sources with their own programmatic requirements must include demonstrations of organizational capacity to coordinate and fulfill all programmatic requirements.

5. Technical & Financial Feasibility and Environmental Considerations

Commerce will review each applicant's experience and capacity to successfully develop or rehabilitate rental housing, obligate HTF funds, undertake eligible activities in a timely manner, and own/manage/operate a HTF-assisted property in compliance with HUD regulations. Projects, as proposed, must be eligible in nature, i.e., they must be compliant with the Montana Environmental Protection Act and HTF environmental regulations at § 93.301(f).

**Recipient Application Requirements- § 91.320(k)(5)(ii)**

1. *Will the State require that all recipient applications contain a description of the eligible activities to be conducted with HTF funds as required in § 93.200- Eligible activities?*

Yes

2. *Will the State require that each eligible recipient certify that housing assisted with HTF funds will comply with HTF requirements?*

Yes

*Please see attached certification for application (See Appendix D).*

**Performance Goals and Benchmarks- § 91.320(k)(5)(iii)**

*The plan will include performance goals and benchmarks against which the State will measure its progress, consistent with the State's goals established at § 91.315(b)(2). To comply with this*

requirement, the State will include HTF housing goals in the housing table on the **SP-45 Goals and AP-20 Annual Goals and Objectives** screens in the eCon Planning Suite consolidated plan template in IDIS.

**IV. OTHER REQUIREMENTS**

**Maximum Per-unit Development Subsidy Amount-** § 91.320(k)(5) and § 93.300(a)

The State will not establish its own maximum limitations on the total amount of HTF funds that can be invested per-unit for development of non-luxury housing. The State has adopted limits used in another federal programs, specifically HOME, and is submitting them with this HTF allocation plan (See Appendix E). Please see the State’s description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements.

Indicate below what maximum per-unit development subsidy limits the State will use for its FY 2017 HTF program.

The State adopted limits used in other federal programs, and the limits are:

Montana’s Maximum per Unit Development Subsidy is the same as for the HOME program (24 CFR 93.300(a)), and is calculated using the Uniform Application Form for Montana Housing Programs, available on the HTF website: <http://comdev.mt.gov/Programs/HTF/Toolkit> (also, see the chart below). By using the HOME subsidy limits, Montana applicants will be better able to apply HTF subsidy limits to projects across the state. Housing organizations across the state are accustomed to the use of the HOME subsidy limits and how to leverage other sources into their projects. Additionally, these subsidy limits accurately reflect the market conditions. These subsidy limits have historically served all areas of Montana well in the HOME program, and are expected to work similarly in the HTF program.

Montana	0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
Cost per Unit	\$141,089	\$161,738	\$196,673	\$254,431	\$279,286

**Rehabilitation Standards** - § 91.320(k)(5)(iv) and § 93.301(b)

As the State intends to use its HTF funds for housing being rehabilitated, it has established rehabilitation standards that all HTF-assisted housing undergoing rehabilitation will meet at the time of project completion in accordance with §93.301(b). The standards provide details on what work is required, how that work should be performed and what materials should be used. The State’s standards refer to applicable codes and establish requirements that exceed the minimum requirements of the codes. At a minimum, the rehabilitation standards address:

- Health and safety;
- Major systems;
- Lead-Based Paint;
- Accessibility;
- Disaster Mitigation;
- State and local Codes, Ordinances, and Zoning Requirements; and
- Inspectable Areas and Observable Deficiencies from HUD’s Uniform Physical Condition Standards identified by HUD as applicable to HTF-assisted housing.

The State plans to use HTF funds for the rehabilitation of housing and has attached its rehabilitation standards (below).

Eligible Projects must adhere to minimum standards for buildings constructed under HUD housing

program, found at:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/hsg/4910.1](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/hsg/4910.1) and which detail Montana’s rehabilitation standards, new construction standards and energy/water efficiency standards.

State and Local Codes, Ordinances, and Zoning Requirements: Eligible Projects must meet all applicable state and local codes, ordinances, and requirements. In the absence of state or local building codes, the housing must meet the International Building Code of the International Code Council.

The following additional standards apply to HTF Eligible Projects:

UPCS: Eligible Projects must follow property standards which include all inspectable items and inspectable areas specified by HUD based on the HUD physical inspection procedures, known as the Uniform Physical Condition Standards (UPCS) prescribed by HUD pursuant to 24 CFR Part 5.705.

Lead Paint Hazards: Eligible Projects must mitigate lead hazards in accordance with the applicable provisions of 24 CFR Part 35.

Accessibility:

Eligible Projects proposed for new construction must provide accessibility in accordance with the applicable provisions of 24 CFR part 8 (implementing section 504 of the Rehabilitation Act of 1973) and Titles II and III of the Americans with Disabilities Act implemented at 28 CFR parts 35 and 36. Eligible Projects that are “covered multifamily dwellings,” as defined at 24 CFR 100.205, standards must require that the housing meets the design and construction requirements at 24 CFR 100.205 and the required inclusion of:

- i. A smoke-free housing policy;
- ii. Broadband internet connectivity, that includes but is not limited to, cable, fiber optics, wiring and, other components to provide access; and
- iii. Minimum visitability features, including one zero-step entrance, one first-floor wheelchair-accessible bathroom, and first-floor doorways of 35 inches width or more.

Eligible Projects proposed for rehabilitation, requirements include all rehabilitation standards as set forth 24 C.F.R. § 93.301(b), and the *optional and encouraged* inclusion of:

- i. A smoke-free housing policy;
- ii. Broadband internet connectivity, that includes but is not limited to, cable, fiber optics, wiring and, other components to provide access; and
- iii. Minimum visitability features, including one zero-step entrance, one first-floor wheelchair-accessible bathroom, and first-floor doorways of 35 inches width or more.

Disaster Mitigation: Where relevant, construction design will mitigate the potential impact of potential disasters (i.e. earthquakes, hurricanes, floods and wildfires) in accordance with state or local codes, ordinances and requirements, or such other requirements that HUD may establish.

Capital Needs Assessment: A Capital Needs Assessment (CNA) must be submitted with an application package involving rehabilitation. The CNA must be completed by a competent, independent third party, such as a licensed architect or engineer, including information about past repairs and improvements, pending repairs and existing or chronic physical deficiencies. The assessment will include a site visit and a physical inspection of the interior and exterior of all units and structures. The assessment must determine the work to be performed and identify the long-term physical needs of the project. For example, if a proposed project is likely to address roofing deficiencies, there should be at least a generalized assessment

of other building systems (i.e. mechanical, electrical, structural, etc.). The level of detail will vary with each project and should be commensurate with the deficiencies noted. The purpose of assessing the entire facility is to ensure that problems are appropriately prioritized, or that repairs to one building component won't be adversely affected by future repairs to another building component.

The assessment must address Health and Safety issues identifying life-threatening deficiencies and must address major systems including structural support, roofing; cladding and weatherproofing (i.e. windows, doors, siding, and gutters); plumbing; electrical; and heating, ventilation and air conditioning. The assessment must provide an estimate (based on age and condition) of the remaining useful life of these systems, upon project completion of each major system. The level of effort required to prepare the report and the depth of analysis within the report should be proportional to the size and complexity of the proposed project.

The assessment must consider the presence of environmental hazards such as asbestos, lead paint and mold on the site. The assessment will include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. If the remaining useful life of any component is less than fifty percent (50%) of the expected useful life, immediate rehabilitation will be required unless capitalized. If the remaining useful life of a component is less than the term of the HTF loan, the application package must provide for a practical way to finance the future replacement of the component.

The assessment will examine and analyze the following:

1) The site, including

- topography,
- drainage and soil suitability,
- pavement,
- curbing,
- sidewalks,
- parking,
- landscaping,
- amenities,
- water,
- sewer,
- storm drainage and
- gas and electric utilities and lines;

2) Structural systems, both substructure and superstructure including

- exterior walls and balconies,
- exterior doors and windows,
- roofing system and drainage; and
- interiors, including unit and common area finishes (carpeting, tile, plaster walls, paint).

***Resale and/or Recapture Provisions- § 91.320(k)(5)(v) and § 93.304(f)***

*Indicate below if the State intends to use HTF funds for first-time homebuyers.*

*The State will **not** use HTF funds to assist first-time homebuyers.*

***HTF Affordable Homeownership Limits- § 91.320(k)(5)(vi) and § 93.305***

*Indicate below if the State will use HTF funds for homeownership housing and what affordable*

homeownership limits it will use.

- The State will **not** use HTF funds for homeownership housing.

**State Limited Beneficiaries or Preferences- § 91.320(k)(5)(vii)**

Indicate below if the State will limit beneficiaries or give preferences to a particular segment of the extremely low-income population.

- The State will limit beneficiaries and/or give preferences to the following segments of the extremely low-income population. The groups listed have also been identified in the action plan (below, from AP-25).

Montana will use CDBG, HTF, and HOME funding for preserving and constructing affordable housing that increases mobility and lowers the combined cost of housing and transportation, advancing solar and other on-site renewable energy installations aligned with the Federal Renewable Energy Target, building social and economic resiliency to severe events, and increasing homeownership and rental opportunities for eligible Montanans, particularly the homeless, disabled, elderly, and other disadvantaged populations. Montana has developed a scoring matrix to put particular emphasis on priority targets (see Appendix C).

**Refinancing of Existing Debt- § 91.320(k)(5)(viii) and § 93.201(b)**

Indicate below if the State will permit the refinancing of existing debt.

- The State will not permit the refinancing of existing debt.

**V. GRANTEE CERTIFICATIONS**

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*In addition to submitting an HTF allocation plan, the State will submit all the required certifications identified at § 91.225 (for new action plans). The State is amending the action plan to include HTF; therefore, it will resubmit the following certification to include HTF:*

- Consistency with plan- The jurisdiction will submit a certification that the housing activities to be undertaken with CDBG, HOME, HTF, ESG, and HOPWA funds are consistent with the strategic plan.*

**VI. REQUIRED FORMS**

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*In addition to submitting an HTF allocation plan, the State will submit and/or complete the following standard forms for its HTF program.*

- Standard form- 424: [Application for Federal Assistance](#) (§91.320(a))
- Standard form- 1199 A : [Direct Deposit Sign up Form](#)

These documents have already been submitted and are on file in the Denver field office.

**2017**  
**Housing Trust Fund**  
**Allocation Plan**  
**Appendices**

**Appendix A:** Montana's Target Priority Counties

**Appendix B:** Certification for Application

**Appendix C:** Maximum per-Unit Subsidy Information

## **Appendix A:**

### **Montana's Targeted Priority Counties**

## Montana's Targeted Priority Counties - DRAFT

County	% of Families in Poverty	Available Units per 100 ELI HH	Median Gross Rent as a % of HH Income	% of HH in Poor or Unsound Conditions	% of MT's Total Homeless Population by District*	Transportation + Housing Cost as a % for Renters	Total Priority Score	Priority Target
								0-5 - Low
<b>PRIORITY BASELINE MET</b>	>11	<50	>26	>11	>8	>51		10-15 - Medium
<b>PRIORITY SCORE</b>	5	5	5	5	5	5		20-30 - High
Beaverhead	8.9%	52	28.7%	6.17	8.5%	53.0%	15	Medium
Big Horn	22.8%	52	23.6%	7.87	16.2%	55.2%	15	Medium
Blaine	21.7%	52	25.4%	9.43	1.6%	53.3%	10	Medium
Broadwater	8.4%	52	27.8%	2.46	14.4%	48.4%	10	Medium
Carbon	7.2%	52	25.4%	9.44	16.2%	44.9%	5	Low
Carter	8.2%	52	17.2%	40.02	1.4%	52.9%	10	Medium
Cascade	10.7%	44	26.4%	4.53	12.1%	47.5%	15	Medium
Chouteau	16.2%	52	19.1%	18.26	12.1%	52.9%	20	High
Custer	10.1%	52	24.8%	16.42	1.4%	46.7%	5	Low
Daniels	3.1%	52	31.7%	21.81	1.4%	51.8%	15	Medium
Dawson	9.9%	52	24.2%	15.61	1.4%	41.1%	5	Low
Deer Lodge	10.5%	52	27.5%	6.50	8.5%	54.5%	15	Medium
Fallon	5.2%	52	19.8%	13.69	1.4%	45.0%	5	Low
Fergus	6.4%	52	25.8%	8.18	0.3%	50.4%	0	Low
Flathead	9.4%	46	30.6%	2.04	14.1%	48.7%	15	Medium
Gallatin	6.6%	26	30.1%	0.40	4.8%	45.0%	10	Medium
Garfield	7.2%	52	15.3%	19.33	1.4%	53.1%	10	Medium
Glacier	25.7%	52	23.5%	8.35	12.1%	51.3%	15	Medium
Golden Valley	12.4%	52	21.8%	17.99	0.3%	54.9%	15	Medium
Granite	10.1%	52	20.7%	6.34	8.5%	55.2%	10	Medium
Hill	14.3%	52	26.8%	6.25	1.6%	49.0%	10	Medium
Jefferson	6.8%	52	27.3%	3.36	14.4%	41.8%	5	Low
Judith Basin	8.4%	52	18.5%	12.79	0.3%	53.4%	10	Medium
Lake	15.8%	34	27.4%	7.74	14.1%	54.4%	25	High
Lewis and Clark	8.1%	50	27.4%	2.29	14.4%	42.2%	15	Medium
Liberty	7.4%	52	22.8%	8.28	1.6%	54.8%	5	Low
Lincoln	11.6%	52	28.0%	5.33	14.1%	56.5%	20	High
McCone	6.9%	52	15.8%	17.42	1.4%	46.0%	5	Low
Madison	6.7%	52	24.6%	2.26	8.5%	48.2%	5	Low
Meagher	7.6%	52	25.0%	5.11	4.8%	56.1%	5	Low

Mineral	9.1%	52	31.9%	4.97	26.6%	59.6%	15	Medium
Missoula	8.9%	33	32.5%	0.45	26.6%	48.3%	15	Medium
Musselshell	9.8%	52	29.0%	14.11	0.3%	50.0%	10	Medium
Park	5.8%	52	27.4%	4.53	4.8%	51.4%	10	Medium
Petroleum	7.3%	52	50.0%	13.33	0.3%	59.1%	15	Medium
Phillips	11.4%	52	22.8%	5.29	1.4%	49.2%	5	Low
Pondera	13.6%	52	25.1%	8.10	12.1%	53.0%	15	Medium
Powder River	6.4%	52	25.4%	23.92	1.4%	52.6%	10	Medium
Powell	11.2%	52	20.1%	10.03	8.5%	52.4%	15	Medium
Prairie	13.1%	52	50.0%	22.37	1.4%	58.2%	20	High
Ravalli	13.7%	33	32.6%	3.37	26.6%	52.0%	25	High
Richland	8.5%	52	23.7%	12.37	1.4%	42.0%	5	Low
Roosevelt	19.3%	52	17.6%	35.54	1.4%	50.0%	10	Medium
Rosebud	13.0%	52	20.1%	18.13	1.4%	46.1%	10	Medium
Sanders	16.6%	52	28.2%	7.18	14.1%	62.3%	20	High
Sheridan	6.4%	52	26.8%	15.95	1.4%	45.8%	10	Medium
Silver Bow	13.9%	50	30.0%	6.09	8.5%	49.4%	20	High
Stillwater	4.2%	52	20.6%	3.25	16.2%	46.2%	5	Low
Sweet Grass	7.8%	52	26.1%	3.41	16.2%	50.7%	10	Medium
Teton	6.1%	52	26.1%	5.66	12.1%	51.4%	15	Medium
Toole	12.5%	52	25.6%	14.24	12.1%	47.9%	15	Medium
Treasure Co	11.5%	52	19.2%	17.07	1.4%	57.0%	15	Medium
Valley Co	7.7%	52	20.2%	27.11	1.4%	48.3%	5	Low
Wheatland Co	8.6%	52	23.1%	19.60	0.3%	64.3%	10	Medium
Wibaux County	11.8%	52	23.6%	19.54	1.4%	47.7%	10	Medium
Yellowstone Co	8.6%	32	28.5%	5.90	16.2%	44.7%	15	Medium

\*Because HRDC Districts encompass more than one county, the district numbers are repeated; as a result, the total of this column is more than 100%.

## **Appendix B:**

### **Certification for HTF Application**

### **Certification for Application**

- Each applicant must agree to comply with all applicable state and federal laws and regulations in implementing their proposed HTF project, if selected for funding.
- A copy of the Certifications for Application (provided below), signed by the chief elected official or executive officer of the applicant must accompany the application for HTF funds.
- Applicants should carefully review the following certifications for application and consider their potential impact when designing and implementing the HTF project.
- Since this is a brief summary and not intended to be a comprehensive description of each law, local officials who have any questions or concerns regarding the applicability of these requirements should contact Commerce for guidance.

## MONTANA HTF CERTIFICATION FOR APPLICATION

### ***The Applicant hereby certifies that:***

It will comply with all requirements established by the Montana Department of Commerce (Commerce) and applicable state laws, regulations, and administrative procedures and accept all Montana Housing Trust Fund (HTF) program requirements.

It accepts the terms, conditions, selection criteria, and procedures established by the HTF program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of HTF funds.

### National Objective

It will complete a project that meets the benefit to extremely low- and very low-income national objective, by granting at least 80 percent to rental housing, up to 10 percent for homeownership, and up to 10 percent for reasonable administrative and planning costs.

### State Objectives

It will complete project activities that meet one or more of the goals and objectives established in the most current version of the Montana Consolidated Plan.

Goals of the HUD programs administered by the State of Montana are:

- *Providing decent housing* by obtaining appropriate housing for homeless persons and assisting those at risk of homelessness; preserving the affordable housing stock; increasing the availability of permanent affordable housing, without discrimination; increasing the supply of supportive housing for persons with special needs; and providing affordable housing near job opportunities.
- *Providing suitable living environments* by improving the safety and livability of neighborhoods; improving access to quality facilities, infrastructure, and services; reducing the isolation of income groups within communities through de-concentration of low-income housing; revitalizing deteriorating neighborhoods; restoring and preserving properties of special historic architectural or aesthetic value; and conserving energy resources.
- *Expanding economic opportunities* by creating and retaining jobs; establishing, stabilizing, and expanding small businesses; providing public employment services; encouraging the employment of low-income persons in projects funded under this Plan; providing reasonable mortgage financing rates without discrimination; providing access to capital and credit for development activities that promote long-term economic and social viability of the community; and reducing generational poverty of those living in publicly assisted housing by providing empowerment and self-sufficiency opportunities.

The objectives and outcomes of the Montana Consolidated Plan are:

*1. Support existing Montana communities:*

- a. Target funding toward existing communities to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes and natural resources;
- b. Encourage appropriate and comprehensive planning, market studies, preliminary architectural reports, and other studies or plans that support the sustainability of local communities, affordable housing, public works investments, vital employment centers, and the environment;
- c. Enhance the unique and resilient characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban;
- d. Encourage the rehabilitation of existing rental and owner-occupied homes, particularly for those with special needs and the elderly;
- e. Encourage the development and rehabilitation of community facilities and services located within walkable neighborhoods and/or served by public transportation systems, particularly for those with special needs and the elderly.

*2. Invest in vital public infrastructure:*

- a. Encourage appropriate and comprehensive pre-development planning activities for public infrastructure, including asset management, needs analysis, preliminary engineering and/or architectural reports, and other studies or plans;
- b. Provide funding opportunities to improve the safety and efficiency of public infrastructure, promote healthy, safe, and walkable neighborhoods, and safeguard the environment; and
- c. Provide funding opportunities to serve eligible Montanans, particularly those special needs and elderly populations, with safe, efficient public infrastructure.

*3. Enhance Montana's economic competitiveness:*

- a. Provide reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets;
- b. Support comprehensive planning for downtown revitalization, business development, and other studies or plans to attract and retain talent in Montana communities;
- c. Provide job opportunities to eligible Montanans to strengthen communities within the state;
- d. Encourage activities that support and strengthen new and existing businesses, particularly those located within traditional downtown business centers comprising a mix of businesses, housing, and services;
- e. Encourage mixed-use development that contributes to broader revitalization efforts in Montana communities; and
- f. Seek opportunities to achieve multiple economic development goals, such as removing barriers to collaboration, leveraging multiple funding sources, and increasing energy efficiency, through a single investment.

*4. Promote equitable, affordable housing in Montana*

- a. Expand location- and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation;
- b. Encourage housing activities that incorporate energy-efficient design to help advance solar deployment and other on-site renewable energy installations in affordable housing that is aligned with the Federal Renewable Energy Target;
- c. Encourage activities to acquire and/or construct new affordable housing for homeownership or rental in areas where existing investment in infrastructure, facilities, and services leverages multiple economic, environmental, and community objectives;
- d. Encourage appropriate and comprehensive planning, market studies, preliminary architectural reports, and other studies or plans in support of the efficient construction of affordable housing;
- e. Encourage financial mechanisms that increase homeownership opportunities and provide

rental assistance to eligible Montanans, particularly those with special needs and the elderly.

*5. Reduce homelessness in Montana:*

- a. Encourage activities that address the housing needs of homeless Montanans and/or those at risk of homelessness;
- b. Encourage activities that increase the level of assistance programs to homeless Montanans and/or those at risk of homelessness, with the goal of achieving stable and sustainable housing; and
- c. Encourage the development and rehabilitation of non-rental facilities for the shelter of temporarily homeless Montanans.

ACQUISITION, DISPLACEMENT AND RELOCATION

It will minimize displacement as a result of activities assisted with HTF funds and assist persons actually displaced. It will comply with:

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act) as amended, and the implementing regulations 49 CFR part 24. These laws and accompanying regulations require the recipient to provide relocation payments and offer relocation assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the HTF program. Such payments and assistance must be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in a different or separate treatment of such persons on account of race, color, religion, national origin, sex, source of income, age, handicap, or familial status (families with children). The recipient must assure that, within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, source of income, age, handicap, or familial status (families with children); and
- The grantee must also inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations of 49 CFR, Part 24, Subpart B, and found in the local government's Anti-displacement and Relocation Assistance Plan.
- The Residential Anti-displacement and Relocation Assistance Plan adopted by the Montana Department of Commerce for the HTF program and the Anti-displacement and Relocation Assistance Plan adopted by the applicant.

*Assessments for Public Improvements*

It will not attempt to recover any capital costs of public improvements assisted with HTF funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- a. HTF funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than HTF funds; or,
- b. for purposes of assessing any amount against properties owned and occupied by persons of low

and moderate income who are not persons of very low income, the applicant certifies that it lacks sufficient HTF funds to comply with the requirements of clause a., above.

### *Building Standards*

It will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under the HTF program to comply with State or local residential and building codes, as applicable. If there is not an applicable State or local building code, new construction projects must meet the International Building Code of the International Code Council.

It will also comply with the accessibility requirements of 24 CFR part 8 and 28 CFR parts 35 and 36, and the Fair Housing Act (42 U.S.C. 3601-3619) as applicable. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor; and will comply with HUD Cost-Effective Energy Standards, 24 CFR Part 39, and section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709).

### *Citizen Participation*

It will comply with the detailed Citizen Participation Plan adopted by Commerce for the HTF program.

## CIVIL RIGHTS, EQUAL OPPORTUNITY, FAIR HOUSING REQUIREMENTS

### *Civil Rights*

It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4 ), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

### *Equal Opportunity*

It will comply with 24 CFR Part 5, subpart A including the following:

- 24 CFR Part 107, which provides prohibits discrimination against individuals on the basis of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with federal funds;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.). The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance;
- Section 504 of the Rehabilitation Act of 1973, amended (29 U.S.C. 794). The act provides that no otherwise qualified individual shall, solely, by reason of his or her disability, be excluded from

participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal assistance funds;

- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (24 CFR Part 135). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3; and
- Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a HTF recipient and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The grantee and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over \$10,000 the grantee or subcontractors will send to each applicable labor union a notice of the above requirements, the grantee and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The grantee or subcontractors must make their books and records available to State and federal officials for purposes of investigation to ascertain compliance.

### *Fair Housing*

It will affirmatively further fair housing and will comply with:

- Title VIII of the Civil Rights Act of 1968 (also known as The Fair Housing Act) (42 U.S.C. 3601 et seq.), as amended by the Fair Housing Amendments Act of 1988 and the regulations issued pursuant thereto. The law states that it is the policy of the United States prohibiting any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, disability, or familial status. HTF grantees must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII; and
- Executive Order 11063, as amended by Executive Order 12259, requires HTF recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities (including land to be developed for residential use); or in the use or occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal

government.

#### *Prohibition Against Discrimination on Basis of Religion*

It will comply with section 109(a) of the Housing and Community Development Act that prohibits discrimination on the basis of religion or religious affiliation. No person will be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with HTF funds on the basis of his or her religion or religious affiliation.

#### *Prohibition Against Excessive Force*

It will, if awarded HTF funds, adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 104(1) of the Housing and Community Development Act, as amended.

#### *ADA Compliance*

It will do a self-assessment of impediments to accessibility in compliance with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12131-12189). Grantees are required to find a means of making HTF program activities and services accessible to persons with disabilities; to review their communities for impediments to disabled citizens; and develop a plan to address those impediments.

#### CONFLICT OF INTEREST

It will comply with the provisions of 2 CFR 200.318 or 24 CFR 93.353 as applicable and with sections 2-2-125, 2-2-201, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, (as applicable) regarding the avoidance of conflict of interest.

#### ENVIRONMENTAL REQUIREMENTS

##### *Air Quality*

It will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to the state implementation plan for national primary and secondary ambient air quality standards.

##### *Environmental Impact*

The undersigned certifies that:

- it will comply with environmental requirements under 24 CFR 93.301(f)(1) or (2) at project completion;
- the project complies with the requirements of Part 93 (including the property standards under 24 CFR § 93.301);
- it will maintain documentation demonstrating that the project meets the HTF Environmental Provisions at project completion [§ 93.407(a)(2)(iv)];
- It will meet the specific requirements for historic preservation, archaeological resources,

farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers. ; and

- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et seq.). The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety or other undesirable and unintended consequences. Environmental review procedures are a necessary part of this process. Pursuant to these provisions, the grantee must also submit environmental certifications to the Department of Commerce when requesting that funds be released for the project. The grantee must certify that the proposed project will not significantly impact the environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

When a local government is an HTF recipient, its chief executive officer or other officer of the applicant approved by the state:

1. consents to assume the status of responsible federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, which further the purposes of NEPA, insofar as the provisions of such federal law apply to the HTF program; and
2. is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

#### *Farmlands Protection*

It will comply with the Farmlands Protection Policy Act of 1981 (7 U.S.C. 4202, et seq.) and activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban sites.

#### *Floodplain Management and Wetlands Protection*

It must:

- Avoid construction and other activities in the 100-year floodplain when practicable and if no practicable alternative is available to construction or other activities within the 100-year floodplain, then the structure must be elevated to at least the base flood elevation or flood proofed to one foot above the base flood elevation.
- Not conduct activities that adversely affect wetlands. Wetlands mean areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction (24 CFR 93.301(f)(1)(vii)(B)).

#### *Historic Preservation*

It will comply with:

- Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, as amended)

through completion of the procedures outlined in 36 CFR 800 and 36 CFR 63. Project activities must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places. Compliance with these procedures should include:

1. consulting with the State Historic Preservation Office (SHPO) to identify properties listed in or eligible for inclusion in the National Register of Historic Places that exist with a proposed HTF project's area of potential environmental impact, and/or to determine the need for professional archaeological, historical, or architectural inventory of potentially affected properties to determine whether they would qualify for register listing; and
2. consulting, with the SHPO and THPO, Keeper of the National Register of Historic Places, and the Advisory Council on Historic Preservation to evaluate the significance of historic or prehistoric properties which could be affected by HTF work and to determine how to avoid or mitigate adverse effects to significant properties from project work.

#### *Lead-Based Paint*

It will comply with current requirements of Title X of the Residential Lead Based Paint Hazard Reduction Act of 1992. It will comply with the requirement found in section 24 CFR part 35. Both Commerce and DPHHS provide education and information on LBP hazards to parents, families, healthcare providers, grant recipients, and contractors. Commerce requires that any contractor or subcontractor engaged in renovation, repair and paint activities that disturb lead-based paint in homes, child and care facilities built before 1978 must be certified and follow specific work practices to prevent lead contamination. In addition to complying with Title X, UPCS inspections will be performed at rental properties assisted with HTF, HOME, Section 8, and other public rental properties throughout the state.

#### *Noise, Facility Siting*

It will comply with conducting all activities in a manner to ensure internal noise levels are no more than 45 decibels and external noise levels are no more than 65 decibels.

#### *Water Quality*

It will use only lead-free pipes, solder, and flux for projects with a potable water system and comply with:

- the Safe Drinking Water Act of 1974 (42 U.S.C. Section 201, 300(f) et seq. and U.S.C. Section 349), as amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e)) which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area; and
- the Federal Water Pollution Control Act of 1972, as amended, including the Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et seq.) which provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.

#### *Wildlife*

It will comply with:

- the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical; and
- the Fish and Wildlife Coordination Act of 1958, as amended, (U.S.C. 661 et seq.) which requires that wildlife conservation receives equal consideration and is coordinated with other features of water resource development programs.

#### *Wild and Scenic Rivers*

It will comply with the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271, et seq.). The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant, license or other mechanism may not be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

#### FINANCIAL MANAGEMENT

It will comply with the applicable requirements of:

- 2 CFR part 200. It will maintain a financial management system that includes records to document compliance with Federal and State laws and regulations and the terms and conditions of the HTF program. The records must be sufficient to allow for the preparation of reports required by general and program-specific terms and conditions and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to Federal statutes and program requirements.
- 24 CFR part 93, subpart I. It will comply with the program administration requirements relating to the following: disbursement of funds, program income, uniform administrative requirements, cost principles, audits, recordkeeping, property management, and performance reports.

It will promptly refund to Commerce any HTF funds determined by an audit to have been spent in an unauthorized or improper manner or for ineligible activities.

It will give Commerce, the Montana Legislative Auditor, HUD, and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

#### *Labor Standards*

It will comply with:

- State regulations regarding the administration and enforcement of labor standards. All

laborers and mechanics employed by contractors or subcontractors on construction work assisted HTF funds shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276-1- 276a-5). By reason of the foregoing requirement the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) may also apply.;

- Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.). According to the Act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If this Act is violated, the contractor or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages; and
- Federal Fair Labor Standards Act, (29 U.S.C.S. 201 et seq.).The act requires that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed workweek.

#### *Legal Authority*

It possesses legal authority to apply for the grant and to execute the proposed project under Montana law and, if selected to receive a HTF grant, will make all efforts necessary to assure timely and effective implementation of the project activities described in the submitted application.

#### *Lobbying*

It certifies that:

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influencing an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*Political Activity*

It will comply with the Hatch Act (5 U.S.C. 1501, et seq.; 5 CFR Part 151), which restricts the political activity of individuals principally employed by a state or local agency in connection with a program financed in whole or in part by federal loans or grants. An affected employee may not be a candidate for public office in a partisan election.

*Procurement*

All services will be procured in a manner that provides fair and unbiased, full and open competition, without conflicts of interest.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

DUNS Number: \_\_\_\_\_

EIN Number: \_\_\_\_\_

**Appendix C:  
Supplementary Information for  
Maximum per-Unit Subsidy**



accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE Web site at http://www.uscis.gov/save, then by choosing "For Benefits Applicants" from the menu on the left, selecting "Save Resources," followed by "SAVE Fact Sheet for Benefit Applicants."

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6011-N-01]

Annual Indexing of Basic Statutory Mortgage Limits for Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with Section 206A of the National Housing Act, HUD has adjusted the Basic Statutory Mortgage Limits for Multifamily Housing Programs for Calendar Year 2016.

DATES: Effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Daniel J. Sullivan, Acting Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 402-6130 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The FHA Down Payment Simplification Act of 2002 (Pub. L. 107-326, approved December 4, 2002) amended the National Housing Act by adding a new Section 206A (12 U.S.C. 1712a). Under Section 206A, the following are affected:

- I. Section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));
II. Section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));
III. Section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));
IV. Section 221(d)(4)(i)(I) (12 U.S.C.

- 17151(d)(4)(ii)(I));
V. Section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and
VI. Section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A)).

The Dollar Amounts in these sections are the base per unit statutory limits for FHA's multifamily mortgage programs collectively referred to as the 'Dollar Amounts,' they are adjusted annually (commencing in 2004) on the effective date of the Consumer Financial Protection Bureau's adjustment of the \$400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA) (Pub. L. 103-325, approved September 23, 1994). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) as applied by the Bureau of Consumer Financial Protection for purposes of the above-described HOEPA adjustment.

HUD has been notified of the percentage change in the CPI-U used for the HOEPA adjustment and the effective date of the HOEPA adjustment. The percentage change in the CPI-U is 0.7% and the effective date of the HOEPA adjustment is January 1, 2016. The Dollar Amounts have been adjusted correspondingly and have an effective date of January 1, 2016.

The adjusted Dollar Amounts for Calendar Year 2016 are shown below:

Basic Statutory Mortgage Limits for Calendar Year 2016

Multifamily Loan Programs

Section 207—Multifamily Housing

Section 207 Pursuant to Section 223(f)—Purchase or Refinance Housing

Section 220—Housing in Urban Renewal Areas

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Rows: 0, 1, 2, 3, 4+

Section 213—Cooperatives

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Rows: 0, 1, 2, 3, 4+

Section 234—Condominium Housing

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Row: 0

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Rows: 1, 2, 3, 4+

Section 221(d)(4)—Moderate Income Housing

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Rows: 0, 1, 2, 3, 4+

Section 231—Housing for the Elderly

Table with 3 columns: Bedrooms, Non-elevator, Elevator. Rows: 0, 1, 2, 3, 4+

Section 207—Manufactured Home Parks Per Space—\$23,191

Dated: May 17, 2017.

Genger Charles, General Deputy, Assistant Secretary for Housing.

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BILLING CODE 4210-67-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax-Exempt Transfer of Firearm and Registration to Special Occupational Taxpayer, ATF Form 3 (5320.3)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the Federal Register on March 14, 2017, allowing for a 60-day comment period.

FHA Multifamily Statutory Mortgage Programs					
Base Percentages for High Cost Areas – Effective January 2016					
<b>Atlanta GA – Southeast Regional Office</b>	252%	<b>Ft. Worth TX – Southwest Regional Office</b>	215%	<b>San Francisco CA – Western Regional Office</b>	270%
Birmingham AL	221%	Dallas TX	212%	Los Angeles CA	270%
Little Rock AR	212%	Houston TX	209%	Sacramento CA	270%
Jacksonville FL*	243%	Lubbock TX	192%	San Diego CA	270%
Key West FL	270%	San Antonio TX	212%	Santa Ana CA	270%
Miami FL	253%	Little Rock AR	242%	Anchorage AK**	405%
Tampa FL	265%	Des Moines IA	233%	Phoenix AZ	248%
Louisville KY	239%	Topeka KS	218%	Denver CO*	270%
Jackson MS	212%	New Orleans, LA	221%	Boise ID	270%
Greensboro NC	244%	Shreveport LA	270%	Honolulu HI**	405%
San Juan PR	270%	Kansas City MO*	270%	Helena MT	250%
Columbia SC	237%	St. Louis MO	224%	Fargo ND	249%
Knoxville TN	226%	Omaha NB	233%	Las Vegas NV	270%
Memphis TN	220%	Oklahoma City OK	226%	Portland OR	270%
Nashville TN	223%	Tulsa OK		Salt Lake City UT	261%
US Virgin Islands**	405%			Seattle WA	270%
				Spokane WA	270%
				Casper WY	262%
<b>Chicago IL – Midwest Regional Office</b>	270%	<b>New York NY – Northeast Regional Office</b>	270%	<b>Satellite Office - *</b>  <b>Special Limit- **</b>  <b>Note:</b> Offices with a “calculated” HCP of 281.70 (before the statutory cap of 270) or higher are designated “High Cost Areas” and are shaded. The Multifamily for Tomorrow (MFT) Transformation has been completed, so this Housing Notice reflects the MFT changes with respect to the new organizational structure.	
Springfield IL	270%	Albany NY	270%		
Indianapolis IN	248%	Buffalo NY	270%		
Detroit MI*	270%	Hartford CT	270%		
Grand Rapids MI	243%	Washington DC	270%		
Minneapolis MN*	270%	Wilmington DE	270%		
Cincinnati OH	248%	Boston MA*	270%		
Cleveland OH	270%	Bangor ME	270%		
Columbus OH	248%	Baltimore MD*	270%		
Milwaukee WI	270%	Manchester NH	270%		
		Camden NJ	270%		
		Newark NJ	270%		
		Philadelphia PA	270%		
		Pittsburg PA	270%		
		Providence RI	270%		
		Richmond VA	270%		
		Burlington VT	270%		
		Charleston WV	270%		