

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY

General Management and Development Program Rules HFA 101

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NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
General Management and Development Program Rules
HFA 101

HFA 101 PART ONE: Overview, Purpose, Applicability

HFA 101.01 Overview and Purpose

These General Management and Development Rules address:

- (a) Information that the Authority shall provide concerning the eligibility criteria and program terms for those seeking to use the Authority's Management and Development Programs;
- (b) How parties, such as non-profit entities, can work with the Authority's Management and Development Programs; and
- (c) Other matters within the Authority's Management and Development Programs.

HFA 101.02 Applicability

- (a) Unless otherwise noted in specific Management and Development Rules, these general rules, HFA 101, apply to all Management and Development Rules. If there is a conflict or ambiguity between these general HFA 101 rules and a specific rule, the specific rule shall control.
- (b) Authority programs are only available for properties that are located in the State of New Hampshire.

HFA 101.03 Rulemaking

The Management and Development rules are adopted pursuant to RSA 204-C:9, which empowers the Authority to adopt rules relative to programs and operations. In cases where more specific statutes or regulations require or permit rules, those specific rules shall cite those statutes and regulations.

HFA 101 PART TWO: Definitions

HFA 101.04 Definitions

The following words or terms shall have the following meanings throughout the Management and Development program rules.

“Administration” means the day-to-day, application-by-application decisions and procedures required to administer Management and Development Programs, including reviewing, processing, determining eligibility, establishing terms, and documenting program benefits to applicants.

“AMI” means Area Median Income as defined by HUD.

“Approval” means the process and decision by which entities and individuals seek to work with the Management and Development Programs and the Authority’s decisions on such applications.

“Authority” means New Hampshire Housing Finance Authority.

“CHDO” means a Community Housing Development Organization as defined in 24 CFR § 92.

“HUD” means the U.S. Department of Housing and Urban Development.

“LIHTC” means Low Income Housing Tax Credit as defined in I.R.C. § 42.

“LURA” means Land Use Restriction Agreement.

“Management and Development Programs” means the Authority’s programs related to the management and development of Authority sponsored projects.

“Management and Development Rules” means all the administrative rules adopted by the Authority that apply to the operations of the Authority’s Management and Development Programs. These rules are designated with the series beginning at HFA 100.

“Material” means an application, documents, or notification that is permitted or required by the Authority for an applicant to apply to the Authority.

“State” means the State of New Hampshire.

“Website” means any Authority website, including www.nhhfa.org or www.gonewhampshirehousing.com

HFA 101 PART THREE: General Rules

HFA 101.05 General Eligibility and Decisions on Applications

- (a) The Authority’s Management and Development Programs offer various programs to assist eligible non-profit and for-profit entities to construct and manage affordable housing projects throughout the State. Eligibility and general requirements are stated in these Management and Development Rules, in program documents, including program/product sheets, and on the Authority’s Website.
- (b) The decision to grant or deny an application is based on several factors. Nothing in these Management and Development Rules or in any Authority communication or action creates any right in any party or requires the Authority to grant an application. The Authority retains its sole discretion and judgment when deciding on applications.

HFA 101.06 Funding Availability

The Authority has the power to determine which Management and Development Programs may be offered. The Authority has the power to eliminate or reduce programs and funding. Programs are only available when resources are authorized and available for specific programs.

HFA 101.07 Filing Applications, Documents, and Notifications

- (a) All Material shall be submitted in accordance with the Authority’s requirements.
- (b) Unless otherwise required, those wishing to apply for Authority programs may deliver Material in writing addressed to the Authority-designated address.
- (c) The Authority may also require or permit Material to be delivered electronically to the Authority-designated address, portal, or system.
- (d) Material not properly addressed or delivered shall not be considered properly submitted. Unless specifically authorized by the Authority, phone calls, texts, emails, and any other form of communication, electronic or otherwise, are not considered valid delivery methods.

HFA 101.08 Fees and Costs

- (a) The Authority may charge a fee to apply for or to access a program or to participate in doing business with the Authority. The Management and Development Rules shall state when such a fee is authorized, and the Authority shall publish that fee on the Website.

- (b) In addition, various Management and Development Programs have associated costs to the borrower, e.g., credit reports, appraisals, title fees, and inspections, which shall be paid by the applicant when required by the Authority.

HFA 101.09 Eligible Persons and Families

Units in Authority-financed housing projects may have rent or income restrictions that are designed to target specific populations, such as low-income persons or families. Such housing projects may also contain units that are intended to be market-rate units, having no rent or income restrictions. Whether to require general restrictions regarding rent or income in units that would otherwise be regarded as market-rate shall be determined periodically by the Authority. Authority staff will review this issue on an annual basis.

HFA 101.10 Delegation

- (a) Unless otherwise specified in the Management and Development Rules, the Authority's Board of Directors delegates to the Executive Director:
 - (1) The Administration of the Management and Development Programs, including approving or denying projects and program applications; and
 - (2) The Approval authority for those seeking to apply to work with the Authority's Management and Development Programs.
- (b) In the Administration of programs and the Approval of projects, the Executive Director has the authority to vary from these rules to accomplish program and participation goals, provided such variances are consistent with any applicable statutes and other program rules, and will help to ensure fair treatment of applicants.
- (c) Pursuant to the Authority's operating policies, the Executive Director may delegate the Administration and Approval authority to appropriate staff.

HFA 101.11 Board Waiver

The Authority's Board of Directors may waive any rule when such waiver is warranted by good cause and when such waiver shall not be inconsistent with applicable law and regulation. The Board may delegate waiver authority to the Multi-Family Housing Committee.

HFA 101.12 Amendments

Program requirements, including these Management and Development Rules and all program documents, may be amended from time to time based on the Authority's sole discretion.

HFA 101.13 Impact of Repeal

- (a) Unless explicitly stated by the Authority, the repeal or amendment of a rule shall not impact existing participants. The loans of such participants shall remain subject to the rules in effect when their loan was executed, even if the rules have been repealed or superseded. Pending applications will be subject to the rules in place at time of application unless the rule change was necessitated by statute. Such pending applications shall be subject to rules compliant with new statutory language and intent.
- (b) The Authority shall maintain a list and a copy of all repealed or superseded rules. Upon request, those repealed rules shall be available for public inspection.

HFA 101 PART FOUR: Federal Requirements

HFA 101.14 Additional Requirements for Programs Receiving Federal Funds

- (a) Projects receiving capital subsidies of federal funds may be required to comply with additional requirements. The Authority will identify in each request for proposals whether federal funds are to be used.
- (b) If federal funds are to be used, it is the responsibility of program participants to ensure whether additional federal requirements apply. These federal requirements include, but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d et seq;
 - (2) The Fair Housing Act 42 U.S.C. §§ 3601-3620;
 - (3) The Housing Trust Fund program requirements
 - (A) 24 CFR § 91; and
 - (B) 24 CFR § 93.
 - (4) Home Investment Partnership requirements 24 CFR § 92, including but not limited to:
 - (A) Resident Selection Plan 24 CFR § 92.253; and
 - (B) Affirmative Fair Housing Marketing Plan 24 CFR § 92.351.
 - (5) General HUD Program Requirements 24 CFR § 5;
 - (6) Uniform Physical Conditions Standards 24 CFR § 5(g);
 - (7) Handicapped Accessibility 24 CFR § 8;
 - (8) Equal Employment Opportunity 41 CFR § 60;

- (9) Section 3 Economic Opportunity 24 CFR § 135;
- (10) Minority/Women Employment
 - (A) Exec. Order No. 11625;
 - (B) Exec. Order No. 12432;
 - (C) Exec. Order 12138; and
 - (D) 24 CFR § 85.36(e);
- (11) Davis-Bacon Wage Rates 24 CFR § 92.354;
- (12) Davis-Bacon Act 40 U.S.C. § 276a-276a-5;
- (13) Davis-Bacon Act Volunteer requirements 24 CFR § 70;
- (14) Copeland Anti-Kickback Act 40 U.S.C. § 276c;
- (15) Conflict of Interest;
 - (A) 24 CFR § 92.352;
 - (B) 24 CFR § 85.36; and
 - (C) 24 CFR § 84.42.
- (16) Debarred Contractors 24 CFR § 5;
- (17) Environmental Reviews;
 - (A) 24 CFR § 92.352;
 - (B) 24 CFR § 58; and
 - (C) National Environmental Policy Act of 1969.
- (18) Flood Insurance, Section 202 of the Flood Disaster Protection Act of 1973, 42 USC 4106;
- (19) Site and Neighborhood Standards 24 CFR § 983.6(b);
- (20) Lead-Based Paint 24 CFR § 92.355;

(21) Lead-Based Paint Poisoning Prevention Act of 1971;

(A) 42 U.S.C. § 4821 et seq.;

(B) 24 CFR § 35; and

(C) 24 CFR § 982.401(j).

(22) Relocation 24 CFR § 92.353; and

(23) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(A) 42 U.S.C. § 4201-4655;

(B) 49 CFR § 24; and

(C) 24 CFR § 42.301-42.390.