

Code Enforcement Hardship Repair Program

CITY OF COVINGTON, KENTUCKY
2014 - 2015 PROGRAM GUIDELINES



I. PROGRAM SUMMARY

The Code Enforcement Hardship Repair Program funded through the Community Development Block Grant program, is offered by the City of Covington's Department of Development (DoD) and assists eligible low-income owner-occupants of single family homes, to address violations of Kentucky Building Codes, Property Maintenance Codes, and any other applicable City Codes. Funds are available city-wide in the form of a deferred/forgivable loan.

Households who have been issued a code citation for an exterior issue may appeal hardship to the Code Enforcement Board. Households will be required to submit an application and provide supporting documentation, as required, for staff to determine eligibility. Program will be offered on a first come, first serve basis while funding is available.

II. REQUIREMENTS

1. Borrower Qualifications:

- a. **Income:** The applicant's annual household income must not exceed 80% of the area median income, as determined by the U.S. Department of Housing and Urban Development. "Family" size will include all people occupying the property as their permanent residence, whether related or not.

These income limits, adjusted for household size, effective December 18, 2013, are listed below. The income limits may change during the program year based on HUD's release of revised limits.

Persons in Household	Maximum Income
1	38,400
2	43,850
3	49,350
4	54,800
5	59,200
6	63,600
7	68,000
8	72,350

- b. **Good Standing:** Pursuant to Commissioners' Ordinance O-11-06, applicants and affiliated persons and/or entities for this program must not have made or filed pending adverse claims against the City in the form of settlement demands and/or

lawsuits; nor shall they be delinquent in their obligations to pay loans, fines, liens, or other obligations owed to the City of Covington (“the City”). No person or entity will be denied federal public or assisted housing agency benefits or programs administered by the City as a result of this policy.

- c. **Liquid Assets Limitation:** Applicants must provide documentation of all liquid assets. Liquid assets in excess of \$5,000 will be required to be contributed to the cost of repairs. Stocks and other readily salable securities will be considered liquid assets unless they are restricted by IRA, 401(k) or other similar requirements. Funds in IRA’s, 401(k) plans or other qualified retirement accounts will not be considered liquid assets. Those individuals over the age of 62 at time of application, may have more liquid assets and will be evaluated on a case by case basis. Applicants that are at or near retirement age may have retirement savings, which do not disqualify them, unless such savings exceed an amount that would be considered reasonable for a person of moderate income.
- d. **Non-Liquid Asset Disclosure:** Applicants must provide a list (quantity and value) of all non-liquid assets i.e. real estate, vehicles, boats, etc.
- e. **Private Lending Requirement:** **Applicants who have the ability to pay or have greater than 20% equity available in their home may be required to seek private lender financing before City funds are committed.**
- f. **Non-Discrimination Requirements:** The Program will be implemented in ways consistent with the City’s commitment to non-discrimination. No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds on the basis of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status or place of birth, or other arbitrary cause.

2. **Property Qualifications:**

In order to qualify for assistance under the Program, the property must meet the following criteria:

- a. **Only owner-occupied** single family dwellings containing one unit located within the City of Covington are permitted.
- b. **Principal Residence:** The home must be, and remain for the term of the agreement, the principal residence of the borrower.
- c. **Ownership Status:** The borrower must have fee simple title to the property.
- d. **Zoning:** The home must be in compliance with applicable zoning regulations.
- e. **Historic Requirements:** All exterior work must be done in compliance with the City’s Historic Design Guidelines and may require a Certificate of Appropriateness (COA).

3. Eligible Use of Funds

Code Enforcement Hardship Repair Program funds are used only to pay contractors directly for construction services contracted by the DoD and approved by the applicant under the terms of the loan agreement. Additionally, funds may be used, as needed, to pay for other costs related to the completion of the program process or construction process. These costs may include title reports, structural engineering costs or other related costs. If required, these costs will be added to the total benefit amount.

4. Federal Regulations

Activities funded through the Federal Community Development Block Grant Program, are subject to requirements outlined in the CDBG regulations at 24 CFR Part 570.

5. Relocation

When the presence of lead-based paint in the home is detected and the areas needing repair or being disturbed are determined to have lead-based paint, it may be necessary for the Borrower to move for a period of time while the lead-based paint is being addressed. Home-owners, particularly small children, are typically not allowed to remain in the residence during this type of work. Temporary relocation may also be necessary for reasons other than lead-based paint and will be addressed on a case-by-case basis

III. APPLICATION

1. **Application:** After referral from the Code Enforcement Board, applicants must complete a Code Enforcement Hardship Repair Program Application and provide all the additional documents required on the application form by a specific date set by DoD staff once referred by Code Board. The Application will be provided by DoD staff.
2. **Review Process:** Once an application package is received, an analysis will be completed by City staff and then staff will make a determination regarding eligibility and funding, approximately 30 days. This determination will then be forwarded to the Code Enforcement Board for final review.
3. **Application Evaluation Criteria:** The City will evaluate the eligibility of an applicant and make a hardship determination based on the following criteria:
 - a. Household Income Eligibility
 - b. Ability to obtain private lender financing
 - c. Liquid and Non-Liquid Assets Review
 - d. Loan to value ratio of existing mortgages and potential program benefit
 - e. History of Code related issues
 - f. If applicant has received previous City funding
 - g. Good Standing Review
 - h. Extent of repairs needed – The City reserves right to deny if conditions are beyond cost reasonableness
 - i. Priority will be given to elderly and disabled applicants should applications be submitted simultaneously.

IV. AWARD TERMS

Minimum Loan Amount:	\$0
Maximum Loan Amount:	\$24,000
Code Fines & Fees:	Staff will recommend that all fines and fees be removed or waived once repairs are completed
Interest Rate, Loan Term:	0%, 5 years
Term of Payments:	No monthly payments and the loan will be forgiven on a pro-rated basis at 1/5 each year. Any remaining loan balance will be due and payable if the Borrower ceases to utilize the property as their principal residence any time during the term of the loan agreement
Loan Recapture:	If the property is sold or the Borrower does not reside in the premises for five years, the loan becomes due and payable. If repayment of the loan is triggered by a sale (voluntary or involuntary), and there are no net proceeds or the net proceeds are insufficient to repay the loan, the City will only recapture the net proceeds, if any. Net proceeds is defined as the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.

V. LOAN PROCEDURES

1. Commitment Letter

- a. Upon approval of the loan application, the City will mail a commitment letter to the owner notifying them of a Code Enforcement Hardship Program commitment and the terms and conditions of that approval. DoD staff will also notify Code Board and Code Enforcement Staff.
- b. The Applicant must sign and return the commitment letter to the City if the property owner agrees to the terms and conditions of the approval.
- c. If the commitment letter is not executed within 30 days of the letter's issue date, the City, upon written notification, may withdraw the offer of financial assistance that is stated in the commitment letter.

2. Loan Agreement

Applicants will execute the loan documents.

- a. Conditions of Funding Commitments - The terms and conditions contained in the commitment letter signed by the applicant and the City are included in the loan document. These will include any additional conditions the applicant must meet before the disbursement of any funds.

- b. DoD Programs and Strategic Projects staff is responsible for seeking competitive bids for all construction-related activities that are to be paid by the Code Enforcement Hardship Program.

VI. CONFLICT OF INTEREST

A conflict of interest exists if an applicant is an employee, agent, consultant, officer, elected or appointed official to the City of Covington, and if the applicant:

- a. Exercises or has exercised any functions or responsibilities with respect to funds for this program, or
- b. Participates in the decision making process related to funds for this program, or
- c. Is in a position to gain inside information with regard to program activities.

If a conflict of interest exists, the applicant may not obtain assistance under this program. If there is any doubt of the conflict of interest, a written waiver may be obtained from the City of Covington.

For further information on the Code Enforcement Hardship Program, call or write:

**City of Covington
Department of Development
20 West Pike Street
Covington, KY 41011
(859) 292-2323
800.545.1833 ext. 931 (TDD/TTY)**

Adopted: (O/R-)

Code Enforcement Hardship Program Definitions

Applicant shall mean the person(s) who sign(s) the City loan application.

Non-Discrimination Requirements shall mean that the Program will be implemented in ways consistent with the City's commitment to non-discrimination. No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds on the basis of his or her disability, age, sex, race, color, religion, ancestry, national origin, sexual orientation, gender identity, familial status, marital and/or parental status or place of birth, or other arbitrary cause.

Deferred Loan shall mean a 0% interest loan by the City to the applicant that must be repaid on a prorated basis upon the sale, transfer, or vacating of the property by the property owner (subject to net proceeds). The loan becomes a grant if the homeowner occupies the residence for 5 years

Owner-Occupant shall mean any person who is purchasing the property which is the subject of the deferred loan.

Income is gross annual income of the applicant and all other people who are expected to reside in the house which shall include wages, salaries, tips, bonuses, commissions, dividends, interest and any other form of income generally considered as gross income by the IRS and reported on the Code Hardship Program application. For purposes of the Code Hardship Program, current paycheck stubs/benefit statements shall be used for income qualifications. Copies of most recent tax returns will be used for verification of information contained in the application, but will not be used in determining income eligibility.

Household shall have the same meaning as family, and includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

(2) A group of persons residing together, and such group includes, but is not limited to:

A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

An elderly family; or a near-elderly family; a disabled family; a displaced family; and the remaining member of a tenant family.

City of Covington
CODE ENFORCEMENT HARDSHIP PROGRAM

Attachment 1 - 24 CFR Part 5 Annual Income Inclusions

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from the operation of a business or profession.
3. Interest, dividends, and other net income of any kind from real or personal property. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except for certain exclusions, listed in Attachment 2, number 14).
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except for certain exclusions, as listed in Attachment 2, number 3).
6. Welfare Assistance. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income:
 - Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - Are otherwise excluded from the calculation of annual income per 24 CFR 5.609(c).

If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

- the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; **plus**
 - the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is reduced from the standard of need by applying a percentage, the amount calculated under 24 CFR 5.609 shall be the amount resulting from one application of the percentage.
7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
 8. All regular pay, special pay, and allowances of a member of the Armed Forces (except as provided in number 8 of Income Exclusions).

HUD Guidebook HUD-1780-CPD, Technical Guide for Determining Income and Allowances for the HOME Program, Third Edition, January, 2005

Attachment 2 – 24 CFR Part 5 Annual Income Exclusions

1. Income from employment of children (including foster children) under the age of 18 years.
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (except as provided in Attachment 1, number 5 of Income Inclusions).
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide (as defined in 24 CFR 5.403).
6. Certain increases in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671(a)).
7. The full amount of student financial assistance paid directly to the student or to the educational institution.
8. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9.
 - (a) Amounts received under training programs funded by HUD.
 - (b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
 - (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program.
 - (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.
 - (e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
10. Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
13. Adoption assistance payments in excess of \$480 per adopted child.
14. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
17. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to housing owners identifying the benefits that qualify for this exclusion.

Updates will be published and distributed when necessary. The following is a list of income sources that qualify for that exclusion:

- The value of the allotment provided to an eligible household under the Food Stamp Act of 1977;

- Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through AmeriCorps, VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);
- Payments received under the Alaskan Native Claims Settlement Act;
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians;
- Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program;
- Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands;
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs;
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program);
- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments;
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990;
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, state job training programs and career intern programs, AmeriCorps);
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990;
- Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran;
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of crime against the applicant under the Victims of Crime Act; and
- Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.

HUD Guidebook HUD-1780-CPD, Technical Guide for Determining Income and Allowances for the HOME Program, Third Edition, January, 2005

ATTACHMENT 3

Part 5 Annual Income Net Family Asset Inclusions and Exclusions

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance. Assets held in foreign countries are considered assets.
2. Cash value of revocable trusts available to the applicant.
3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Under HOME, equity in the family's primary residence is not considered in the calculation of assets for owner-occupied rehabilitation projects.
4. Cash value of stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts.
5. Individual retirement, 401(K), and Keogh accounts (even though withdrawal would result in a penalty).
6. Retirement and pension funds.
7. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
8. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
9. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
10. Mortgages or deeds of trust held by an applicant.

Exclusions

1. Necessary personal property, except as noted in number 8 of Inclusions, such as clothing, furniture, cars, and vehicles specially equipped for persons with disabilities.
2. Interest in Indian trust lands.
3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.
4. Equity in cooperatives in which the family lives.
5. Assets not accessible to and that provide no income for the applicant.