

## Albany ACCESS Program

The City of Albany Access program was created to make residential units accessible for income eligible persons with disabilities. This program will provide financial assistance with the cost of adapting homes to meet the needs of those with disabilities to easily and comfortably live in their residences. While the unit may be owner occupied or a rental, the eligible unit must be the primary residence of the person with a disability.

### Eligible Participants

Homeowners and rental property owners are eligible to apply for this program.

To be eligible for assistance:

- The household includes an occupant that has a permanent, medically documented, disability or has substantial difficulty with daily living activity because of aging;
- The dwelling unit is (or will be after modifications) the primary residence of the person with the disability; and
- The household income may not exceed 100% of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development (HUD).

### Applicant Income Eligibility

All income and eligibility determinations for ALBANY ACCESS assistance will be conducted by ACDA. At time of application, eligible applicants for ALBANY ACCESS assistance must have a gross annual household income under 100% of the median.

1. ACDA shall determine the income eligibility of a homeowner using HUD Regulation 24 CFR Part 5.
2. ACDA shall use the most recent income limits published by HUD.
3. As of July 1, 2020, current HUD Income Guidelines for Annual Household Income provides that 100% of the median income is as follows:

<u>Household Size</u>	<u>Maximum Income</u>
1	\$67,900
2	\$77,600
3	\$87,300
4	\$97,000
5	\$104,800
6	\$112,600
7	\$120,300
8	\$128,100

### **Eligible Properties**

An eligible property is a housing unit that is the primary residence of a person with a physical disability and a total household income that does not exceed 100% of area median income (AMI)

Renovations using ALBANY ACCESS program funds may be made only to make modifications to a dwelling unit that will result in allowing the person with a disability to remain in the home (avoid being placed in an institutional setting) or return to the home from an institutional setting. The person with a disability may be residing in an owner-occupied unit or a rental unit. If the home is a multi - unit building, repairs may only be made in the unit where the person with a disability resides or in common areas.

Group and institutional homes in most instances are not eligible for ALBANY ACCESS assistance. ALBANY ACCESS funds cannot be used to replace other resources available to building owners of rental properties. Assistance may be provided for publicly assisted housing only when it can be demonstrated that no other resources are available for this purpose.

### **Eligible & Ineligible Improvements**

Eligible activities are repairs and accessibility renovations up to \$25,000 in a unit where a person with a disability maintains a primary residence to enable the person with a disability to:

- Continue to easily and comfortably live in his or her residence and avoid institutional care; or
- Return to his or her primary residence from an institutional setting.

### **Eligible Repairs & Improvements**

Renovations using ALBANY ACCESS program funds may be made only to make modifications to a dwelling unit that will result in allowing the dwelling to be more accessible to the person with the disability. Renovations will need to be related to the specific documented needs based on the individual's disability.

Typical repairs funded with ALBANY ACCESS include (but are not limited to):

- wheelchair ramps and lifts, handrails, expanded doorways and stair glides;
- 36" wide doorways with off-set hinges on doors;
- roll in showers with grab bars, bathtub grab bars and seats, hand-held shower;
- non-skid flooring;
- appliances that respond to verbal commands;
- easy to reach work and storage areas and other kitchen modifications;
- outlets at 18" instead of 12"; light switches at 42" instead of 48" from the floor;
- electrical installation of special thermostatic or environmental controls, luminous light switches;
- strobe light or vibrator assisted smoke and burglar alarms;

- relocating a bathroom or bedroom to the first floor;
- generator with backup documentation from a personal physician; and
- low cost measures such as traction tape on stairways, levered door handles or additional outside lighting.

All adaptations should meet the individualized needs of the occupants of the unit that requires the modifications. Reasonable accommodations and reasonable modifications that are required for households with accessibility needs are eligible.

### **Ineligible Repairs & Improvements**

Repairs and improvements that do not address an accessibility issue for the resident with the disability will not be covered by this program.

New construction is not permitted with ALBANY ACCESS funds. Small additions to an existing structure that permit installation of accessibility modifications and enable the customer to remain in or return to the unit are allowed on a situational basis.

Manufactured (mobile) home replacement is not an eligible expense for the ALBANY ACCESS program. However, appropriate modifications to manufactured homes, such as the installation of ramps and kitchen and bathroom modifications, are permitted where feasible.

### **Previously Assisted Property**

A building may receive ALBANY ACCESS program assistance more than once. However, applications for additional funds must be made after the initial period of affordability has ended, which is a term of 3 years upon completion.

### **Rental Properties**

Rental properties are eligible for assistance under the ALBANY ACCESS program. Private building owners must consent to the accessibility modifications. Owners are not required to match any of the funds expended in their building(s) for modifications that enable persons with disabilities to remain in their apartments. There must be an identified eligible tenant for the unit prior to the start of application. Property owners are required to sign the Property Maintenance Declaration (PMD) form.

Rental properties:

- Must remain affordable to program eligible households for (3) three years;
- Must be affirmatively marketed to persons with disabilities (if unit is vacated by tenant that initially received the assistance);
- Must be maintained in a safe and habitable condition during the period of affordability

Accessibility modifications installed with ALBANY ACCESS funds may not be removed or altered without prior approval from ACDA program staff. However, if the person(s) with the disability vacates the modified unit it must be made available to persons with disabilities for a period of three years from the date the work is completed.

**Tenant Income Eligibility**

1. Income eligible households are defined as having gross annual household incomes under 100% of the median income adjusted for household size.
2. “Gross Annual Income” is determined using HUD Regulation 24 CFR Part 5.
3. As of July 1, 2020, current HUD Income Guidelines provide that 100% of the median Annual Household Income is as follows:

<u>Household Size</u>	<u>Maximum Income</u>
1	\$67,900
2	\$77,600
3	\$87,300
4	\$97,000
5	\$104,800
6	\$112,600
7	\$120,300
8	\$128,100

**Maximum Rent Caps**

1. The maximum rent (including utilities) in AFT assisted units is set at 30% of 65% of the median income adjusted for household size as determined by HUD.
2. If the tenant pays utilities, the rent will be reduced by the Section 8 utility allowance.
3. Rent increases are allowed only when HUD publishes the new median household income figures. (approximately annually)
4. Effective June 28, 2019, the rents listed below will apply.

<u>Number of Bedrooms</u>	<u>Rent</u>
1	\$904.00
2	\$1,115.00
3	\$1,397.00
4	\$1,507.00
5	\$1,733.00

### **Utility Allowance**

For units where the tenant pays the utilities, the rent will be reduced by the utility allowance on a case-by-case basis. ACDA must use the utility allowances published by HUD for the Section 8 program in determining the amount by which to reduce the maximum rent.

### **Income Certification**

Signed income certification forms will be required as follows:

1. All occupants of the building at time of application, including owner-occupant and tenants must complete a Monitoring and Certification Agreement Form. The application will not be complete without these forms. ACDA Finance staff will determine the income for these occupants.
2. It is the responsibility of the owner to get signed certification forms from initial occupants of vacant units after the project is 100% complete and forward them to ACDA Compliance Monitoring staff.
3. All new tenants at turnover of units: It is the responsibility of the owner to get a signed certification form from each new tenant selected and forward it to ACDA Compliance Monitoring staff.

### **Change of Income after Initial Eligibility**

Income will continue to be verified on an annual basis. If the income of a tenant household has changed, the following will apply:

1. A tenant whose household income increases after initial eligibility determination and exceeds 100% of the median adjusted for the household size will be allowed to remain in the ALBANY ACCESS assisted unit.
2. In no event will the landlord be required to displace a tenant whose income exceeds 100% of the median after the initial ACDA approval.
3. If the assisted rental unit becomes vacant before the period of affordability is over, it must be rented to another program-qualified household. A Monitoring & Certification Form must be submitted to ACDA Compliance Monitoring staff.

### **Property Ownership**

1. The applicant must be the property owner of record at the time of application.

2. ACDA will evaluate, on a case by case basis, the eligibility for ALBANY ACCESS in case of joint ownership, where one of the owners does not reside in the property.

### **Location of Property**

The ALBANY ACCESS program shall be available citywide. There are no neighborhood restrictions.

### **Eligible Number of Units in Building**

Buildings with 1 to 3 units are eligible for rehabilitation under the ALBANY ACCESS program. Funds can only be utilized for the unit in which the person with a disability resides.

### **Zoning**

Properties must comply with local zoning ordinances to be eligible. All required variances and conditional use permits must be secured before application to ACDA.

### **Eligible Household Size**

There are no restrictions on household size in the ALBANY ACCESS program.

### **Delinquency**

No application for assistance will be accepted under the following conditions:

1. When the applicant is in default on any obligations to ACDA.
2. When there are any unpaid property taxes, school taxes, water and sewer bills.
3. When the owner has filed personal bankruptcy , the bankruptcy must be discharged (*proof of discharge is required*) and credit worthiness must be re-established, as determined by ACDA
4. Per **Housing and Urban Development** (HUD) the application and support documents are valid for a period of 6 months. After 6 months the application is considered inactive and ALL information will be properly disposed of. Please make copies of anything you do not want us to keep.

### **Insurance**

1. Fire and Hazard Insurance

The owner will be required to obtain and keep current, for the length of the mortgage, fire and hazard insurance to cover the total of all debt secured by the property. The Albany Community Development Agency must be named on the policy as one of the mortgages.

## 2. Flood Insurance

ACDA will determine if the project is located in a flood hazard area according to the most recent FEMA map. If the building is located in a flood hazard area, the owner must obtain flood insurance and keep the insurance coverage current for the life of the mortgage in accordance with the Flood Disaster Protection Act of 1973.

### ACDA Right to Reject Application

ACDA reserves the right to reject any application when, in its judgment, rehabilitation of the project is not economically feasible nor in the best interest of current tenants, the owner, or the City.

### Eligible Costs

- Project Cost Cap

Eligible activities are repairs and renovations up to \$25,000 in a unit.

If the project cost exceeds \$25,000, property owners can contribute to costs in excess of \$25,000 or if eligible, the applicant may apply for ACDA's other homeowner rehab programs.

### Property Owners' Personal Funds

1. The total cost of the project may exceed the assistance to be provided by ACDA, and additional funds may be secured from other financial institutions, or other funding sources.
2. In this case the owner of the property who must use funds from other sources to be used towards the project must do the following:
  - (a) The owner's funds must be expended first, before ACDA funds.
  - (b) The owner's funds must be submitted to ACDA at the closing and placed in an interest bearing escrow account held by ACDA. ACDA will distribute the funds per payment schedule.

### Eligible Project Costs

Eligible costs include the hard costs of the repairs and improvements described above, plus permits and fees associated with such improvements. Architectural & design services are an

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eligible cost provided that it is necessary and appropriate to the work being done. If there is a need for short term relocation while the work is being completed in the unit, those costs are eligible project costs.

### **Project Regulatory Period**

Units that are provided accessibility modifications using ALBANY ACCESS funds are subject to use restrictions of a Property Maintenance Declaration (PMD) for three (3) years after date of the most recent repair completion.

### **Property Maintenance Declaration**

A Certificate of Completion (CC) must be issued prior to close out of the project with ACDA.

ACDA and the property owner must both sign a Property Maintenance Declaration (PMD). If the unit is owner occupied, the homeowner must sign the PMD. If the unit is occupied by a renter, the owner of the building must sign the PMD. The document signatures must be notarized and filed with the Albany County Clerk's Office. The Property Maintenance Declaration acknowledges that the unit was improved using ALBANY ACCESS funds provided by ACDA and states that, during the three year regulatory period, the owner will:

1. Maintain the unit in good operating order and condition;
  2. Not sell, move, demolish or materially alter the property without the prior written consent of ACDA; and
  3. If the improved unit becomes vacant during the Regulatory Period, market the unit and make it available to persons who meet the program eligibility qualifications. The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The Property Maintenance Declaration may be no lower than third in priority order of repayment. The encumbrance runs with the land and is binding on the property owner. The maintenance term, or regulatory period, must be calculated from the date of Project Completion. The date of Project Completion is the date of the final inspection and approval by ACDA and the client. ACDA will use this date to calculate the termination date specified on the Declaration form.
- If the eligible participant moves or leaves the unit for any reason within the three year regulatory period, or the PMD is otherwise breached, the ALBANY ACCESS funds must be repaid on a prorated basis over the three years.

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises.



Section 3” Clause

ACDA complies with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, providing that training, employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, be directed toward low-income persons, and to business concerns, who provide economic opportunities to low- and very low-income persons. More information regarding compliance with Section 3 can be found in ACDA’s comprehensive Section 3 Plan.

Revised July 1, 2020