

**Sheffield**

**FY22-23 HOUSING REHABILITATION  
PROGRAM**

PROGRAM GUIDE



Administered by:

**Berkshire Regional Planning Commission  
Housing Rehabilitation Program**

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THE SHEFFIELD HOUSING REHABILITATION PROGRAM IS FUNDED BY THE MASSACHUSETTS  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

## **INTRODUCTION**

The Sheffield Housing Rehabilitation Program (HRP) has been funded by the US Department of Housing and Urban Development (HUD), through the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), FY22-23 Community Development Block Grant Program (CDBG). The Program is managed by the Berkshire Regional Planning Commission.

This Housing Rehabilitation Program is designed to provide home improvement assistance to rehabilitate low/moderate income owner-occupied dwellings, including those with up to four (4) units with low/moderate-income tenants. The type of work that can be accomplished under the HRP includes, but is not limited to lead paint abatement, roofing, foundation repair, installation of energy-efficient windows and doors, insulation, accessibility improvements, plumbing, electrical repair or replacement, septic, water supply, lead paint removal, exterior paint, etc.

The cap for CDBG funds under this grant for a single rehabilitation project is \$50,000/unit. In extensive rehabilitation projects, the amount of CDBG funds may be increased through the single case waiver process as approved by EOHLC.

Elimination of building code violations will be given first priority. The scope of each project will be determined by the HRP Rehabilitation Specialist, in concert with the Towns' Building Inspectors, the Housing Rehabilitation Manager, and the Homeowner.

### **A. GOALS OF THE PROGRAM**

The primary purpose of the Housing Rehabilitation Program is to bring deteriorated residential units into compliance with all applicable Federal, state, and local codes. To be eligible, a structure or portion thereof must be residential and contain one or more code violations. ALL code violations must be corrected as a condition of participating in the Program. The work is prioritized in order to:

- Assist low/moderate-income owner-occupants in maintaining safe and sanitary dwelling units, through the elimination of building code violations.
- Correct and update all health and safety issues, building envelope updates, energy efficiency upgrades, and address lead paint hazards in residences owned and occupied by year-round LMI residents.
- Improve the supply of affordable rental units for year-round LMI tenants.
- Encourage the preservation of existing housing stock through rehabilitation.
- Prevent neighborhood blight and deterioration.

### **B. ELIGIBILITY REQUIREMENTS**

All HRP-eligible applicants must be owner-occupants whose property is located within the Town of Sheffield and must meet the income limits below. Special consideration will be given to seniors and single-parent heads of households who have low incomes.

Eligible applicants must be income-eligible and must be the owner of the property. Income reviewed during the income eligibility phase includes that of all persons who live in the household to be rehabilitated who are 18 years of age and older, except full-time students, and includes all sources of income. Note that these income limits are updated annually, so please ask the HRP staff for confirmation of current household income limits.

**2024 HUD Household Income Limits**

1 person	\$61,350	5 persons	\$94,650
2 persons	\$70,100	6 persons	\$101,650
3 persons	\$78,850	7 persons	\$108,650
4 persons	\$87,600	8 or more persons	\$115,650

In single and multi-family homes:

- all single-unit properties must be occupied by a low-or moderate-income household.
- in a two-unit structure, one or more of the units must be occupied by a low-or moderate-income household.
- in a three- or four-unit property, at least 51% of the units must be occupied by low-or moderate-income households.

Determination of income eligibility will require Applicants to provide documentation. BRPC and the Sheffield CDBG Housing Rehabilitation program will use an income documentation method that requires third-party verification of gross income over an eight-week period. Documentation will include:

- 1.) Pay stubs for the most recent 8-week period for each member of the household over 18 years of age.
- 2.) Benefit statements for the most recent 8-week period of Unemployment benefits
- 3.) Two months of bank statements
- 4.) Full-time students or unemployed household members must provide a notarized statement affirming this status.
- 5.) Self-employment income for all Household members who are 18 years of age and older will be documented by *certified* copies of the entire IRS Tax Return, (complete with Schedule C, Profit or Loss from Business or Profession).
- 6.) Other income will be documented as applicable by benefits statements for Public Assistance, VA benefits, Social Security benefits, SSI benefits disability, and a periodic statement from each pension/investment income source stating the amount and frequency of benefits.
- 7.) The income documented as above will be valid for a 12-month period, after which it will be reviewed. and compared to the current published HUD income limits to identify low to moderate-income persons.

The applicant will be required to certify that all information provided in the application is accurate and shall authorize the town of Sheffield and the Sheffield Housing Rehabilitation Program (HRP) to verify any information relating to the application. They must certify that they are in good standing with the Town Tax Collector and that the property has no outstanding water or sewer liens, nor any state, federal or local tax liens. They will further certify that any mortgages on the property are in good standing and not in foreclosure, nor is the property affected by bankruptcy proceedings of any kind, and that no mortgage or promissory note secured by the property is in default. **Falsification of any information provided to the Program may result in termination of the application.**

**C. LOAN AWARDS**

Loan awards will be available to selected homeowners to address part or all of the cost of the proposed rehabilitation project. All building code deficiencies will be determined by the Program’s Housing

Rehabilitation Specialist in cooperation with the Town’s Building Inspector, according to the Massachusetts Building Codes. The Housing Rehabilitation Specialist will determine the scope of work for each project.

Homeowners will be required to enter into an agreement with the Town of Sheffield, authorizing the Housing Rehabilitation Program staff to manage the project and agreeing to facilitate the project activities and abide by all Program rules and conditions.

The loan will be secured by a 0% interest-deferred payment loan (DPL). A fifteen (15) year lien will be placed on the property to protect the investment of public funds. This lien must be signed and notarized by the owner prior to the start of construction. Payment of the DPL will only be due upon the sale or transfer of the property within the 15-year lien period. The amount owed on the DPL will decrease annually for a period of fifteen years. The payback schedule will be as indicated in the chart below:

<u>Transfer Before the End of Year</u>	<u>Non-Elderly Payment Due</u>	<u>65 Years or Older Payment Due</u>
One	100%	100%
Two	90%	90%
Three	80%	80%
Four	70%	70%
Five	60%	60%
Six	50%	50%
Seven	45%	40%
Eight	40%	30%
Nine	35%	20%
Ten	30%	10%
Eleven	25%	5%
Twelve	20%	5%
Thirteen	15%	5%
Fourteen	10%	5%
Fifteen	5%	5%
After Year Fifteen	Forgiven	Forgiven

Owner-occupants of rental property must agree to maintain the affordability of the units according to HUD requirements and to limit rent increases for fifteen years (15) years upon the completion of the rehabilitation project. The HRP will allow annual rental increases to provide for increases in utilities, taxes, insurance, and inflation. Units must be made available to low/moderate-income persons.

## **D. HARDSHIP CONDITIONS**

If the cost of a project exceeds the EOHLC per unit limit of \$50,000, the homeowner may be asked to contribute to the balance to complete the project. A list of local banks that have stated their willingness to work with Program participants to close such financial gaps will be provided by HRP staff.

In cases where the scope of a proposed project and its anticipated costs exceed the maximum allotted and hardship exists, the nature of the hardship will be reviewed and evaluated by the Program staff, who may consult the Program's Citizen Advisory Committee. Potential hardships include multiple major building code violations such as lead and asbestos hazards, a problematic well, and septic system replacement. Homeowners with hardships may be eligible for funding under the \$50,000/unit severe need category.

## **E. PROJECT SELECTION PROCESS**

1. The Homeowner(s) must complete and submit the Program application. If desired by the applicant, HRP staff will meet with potential applicants, one-on-one, to discuss and clarify any aspect of the Program, if requested. Program staff will assist the applicant who is the owner of record and is eligible to authorize the project. HRP staff will be available to assist applicants with obtaining information necessary to process the application. Every attempt will be made to assist elderly and disabled applicants and to provide interpretive services where language is a barrier to the completion of the application. Once all income documentation has been submitted, Program staff will determine the eligibility of the homeowner and household by cross-referencing the household income and HUD income guidelines.
2. The first priority of the program is to correct all code violations, structural and sanitary; this includes de-leading if circumstances require it.
3. For qualified applicants, the HRP staff, including the Housing Rehabilitation Specialist, will conduct comprehensive site inspections to make a preliminary determination of project scope, severity, and feasibility. As needed, a Citizen Advisory Committee, appointed by the Towns, will meet with HRP staff to evaluate, and prioritize severe needs projects, and mediate complaints regarding the Project Selection Process, based on their established Grievance Policy.
4. The Housing Rehabilitation Specialist will conduct a comprehensive inspection of the property. The owner will be provided with a preliminary work write-up which will include all building code violations and any other items in the scope of the work. The Housing Rehab Specialist will then review these items with the Homeowner. Note: The Housing Rehabilitation Program is a moderate rehabilitation program. If upon completion of the initial inspection, detailed work write-up, and estimate, the Housing Rehabilitation Specialist determines that the funds required far exceed the program limits, the project may be deemed infeasible, and funding denied.
5. An Environmental Review will be conducted by HRP staff for each tentatively selected property. The ER will include a review of the Property location and flood plain, historic property status, and Lead Paint Hazard testing on any homes constructed prior to 1978. Both the towns and the Massachusetts Historical Commission will be consulted as part of this process.

6. The Environmental Review will also include lead-based paint testing by an independent, licensed, and qualified lead testing lab, who will perform all required lead-paint and soil tests, risk assessments, lead hazard screens and reevaluations, as per the HUD Lead Safe Housing Rule. The owner will be notified of the results of these tests. In cases where lead paint is present, interim controls and/or abatement procedures must be prioritized and included in the project.
7. The Housing Rehabilitation Program will notify the homeowner to inform him/her whether the property is to be included in the program.
8. The Housing Rehabilitation Specialist will determine the final scope of the project and a FINAL work-write-up will be incorporated into a bid package for the rehabilitation work. The owner will approve the final bid package before going out to bid. The HRP staff will conduct procurement of construction services on behalf and with the assistance of the Homeowner.
9. Participating contractors who are on the HRP's approved Contractors List will receive bid packages. All contractors will be required to attend an on-site Pre-Bid Conference in order to gain an understanding of Program rules and the scope of work. Sealed bids will be delivered to the Housing Rehabilitation Program office.
10. The Housing Rehabilitation Program Manager will conduct a public Bid Opening. All bids will be reviewed by HRP staff for responsiveness, and the HRP staff will then review the three lowest qualified bids with the owner. The Homeowner will have a maximum of 30 days in which to indicate his/her approval on making an award, rejecting bids, or rebidding.
11. The Homeowner is encouraged to select the lowest bid from a responsible and responsive Contractor. If the lowest qualified bid is *not* accepted, the Homeowner must pay the difference between that bid and the awarded bid. The selected Contractor will enter into a Construction Agreement with the Homeowner, agreeing to the scope of work and project budget.
12. The Homeowner will also execute an Agreement and Lien with the Town of Sheffield for the cost of work, ***prior to commencement of the project.*** This will be a 0% interest, deferred payment loan (DPL) secured by a notarized lien, as mentioned under 'C' above, and 'F' below.

#### **F. RECORDING THE PROPERTY LIEN**

The Homeowner will agree to secure the loan mentioned above in #13, by way of a **notarized lien** in the amount of the loan. All closing documents will be executed prior to the commencement of the construction project. The Housing Rehabilitation Program staff will record the lien on behalf of the Town of Sheffield against the Property in the appropriate Berkshire District Registry of Deeds for an amount equal to the grant award. ***Homeowners are responsible for the \$105 filing fee.***

## **G. CONSTRUCTION PROCESS**

1. The Contractor will be responsible for securing a building permit and all other permits needed for the proposed work. The homeowner should ensure that the permit is posted as applicable by law. A pre-construction conference with HRP staff and the Homeowner will be held with all of the contractors involved in the project. All construction contracts will comply with state and federal regulations.
2. Typically, work is required to begin within fifteen (15) calendar days of the selection of the Contractor. Compliance with local and state building codes is MANDATORY. The HRP staff, the Housing Rehabilitation Specialist, and/or the Town's Building Inspector will assist in the inspection of work but assume no responsibility for the quality of materials or workmanship.
3. The Housing Rehabilitation Specialist and HRP staff, working in cooperation with the Homeowner, will oversee the construction, conduct site visits, make progress reports, and approve payments to the Contractor. Disputes between the Homeowner and the Contractor will be mediated by the Housing Rehabilitation Program Staff.
4. The Housing Rehabilitation Specialist will monitor the construction services and make a recommendation to approve or disapprove contractor invoices based on inspection of work completed.

## **PAYMENTS & PROJECT CLOSE-OUT**

1. When the work is complete to the satisfaction of both the Homeowner and the Housing Rehabilitation Program, and the local Building Inspector has signed off, a check will be issued to the Contractor with the Homeowner's written approval. The Homeowner will be required to sign off on all financial transactions that take place.
2. When the project is completed, the Homeowner will be provided with a copy of the CDBG Contractors' Affidavit for Payment of Debts, Release of Claims, Warranty of Workmanship, and Receipt of Payments.
3. In cases where the local Building Inspector, Housing Rehabilitation Specialist, and Contractor all agree that the project has been completed according to the work-write up and specifications, and the Homeowner disagrees, the Homeowner will submit to the decision of the Housing Rehabilitation Program Manager concerning payment of the final invoice. If the Homeowner disagrees with that decision, he/she is free to access the established grievance procedure as attached herein.
4. The Town of Sheffield and/or the Rehabilitation Program Manager reserve the right to withdraw or cancel any award or contract related to this Program in the event of Applicant's non-compliance with CDBG Housing Rehabilitation Program rules and/or non-performance of a Contractor.

For additional Program information, please contact Christie Lewis, Housing Rehabilitation Program, 413-442-1521 ext. 23 email [clewis@berkshireplanning.org](mailto:clewis@berkshireplanning.org)

This program is subject to the requirements of (and not necessarily limited to) Section 3 of the Housing and Urban Development Act of 1968, Section 3 (12 USC 1701); Executive Order 11246, Entitled "Equal Employment Opportunity" (41 CFR, Part 60); the Flood Disaster Protection Act of 1973 (P.L. 93-234); Title VI of the Civil Rights Act of 1964; HUD Lead-Based Paint Regulations 24 CFR, Part 35, For the Elimination of Lead-Based Paint Hazards; Copeland "Anti-Kick Back" Act (18 USC 874) and (40 USC 276c); Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857 C-8); Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1318) and the Federal Labor Standards under 29 CFR, Parts 3, 5, and 5A.

This Program Guide is subject to periodic updates, which will be posted on the BRPC website @ <http://www.berkshireplanning.org/>