

# Housing Funding Policies

Program Years 2024-2026



**Seattle**  
Office of Housing

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## I. Introduction

The Housing Funding Policies (Policies) contain funding priorities and guidelines for the following programs administered by the Office of Housing (OH):

- Rental Housing Program
- Operating, Maintenance, and Services Program (OMS)
- Homeownership Program
- Home Repair and HomeWise Weatherization Programs

Prior to 2014, policies governing most of these programs were primarily contained in the Administrative and Financial Plans for prior Housing Levies and in the Seattle Consolidated Plan for Housing and Community Development. Many program funding policies are now included in this document to improve accessibility and consistency. The 2023 Seattle Housing Levy Administrative and Financial Plan (A&F Plan) contains program policies for programs exclusively established by the 2023 Housing Levy, the funding allocations for 2023 Housing Levy programs and the allocation of Program Income and investment earnings from prior Levies, and annual reporting requirements.

The Housing Funding Policies apply to the 2023 Seattle Housing Levy as specified in the A&F Plan; to earnings and repayments derived from earlier Housing Levies as specified in the A&F Plan; to JumpStart/Payroll Expense Tax (PET) and Mandatory Housing Affordability (MHA) fee payment funds and earnings and repayments derived from such funds; to OH-administered federal HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG) funds and earnings and repayments derived from such federal funds; and to other City of Seattle (City) funding and grant funding identified for each program in this document. For convenience, all fund sources are referred to as a single program, although, for example, an affordable housing incentive program under the City Land Use Code is legally a separate program.

The use of certain fund sources must also comply with requirements that are not included in this document. HOME and CDBG funds, including Program Income, are subject to federal and other requirements, including those in the Consolidated Plan, as applicable depending on the proposed use of funds. Any funds derived from bonds issued by the City will be subject to state law requirements and those of ordinances authorizing the bonds. Funds received by the City under land use code provisions (including Incentive Zoning and Mandatory Housing Affordability provisions) are subject to requirements in applicable ordinances, laws and any related

agreements or permit documents. In addition, special federal grants, prior Housing Levies, and other fund sources may be subject to legal requirements that are not reflected in these Housing Funding Policies. Use of any funds may be subject to requirements based on constitutional provisions, statutes, regulations, and court decisions. In case of any conflict with these Policies, the other requirements referred to in this paragraph control.

## **II. Rental Housing Program**

The policies for this Program generally apply to these sources used by the Office of Housing (OH) to fund the development and preservation of affordable rental housing in Seattle: Housing Levy Rental Production and Preservation Program funds, Rental Production and Preservation funds from earlier Housing Levies, federal HOME and CDBG funds, funds received through land use code provisions for incentive zoning and mandatory housing affordability, earnings and repayments derived from earlier Housing Levies and other OH-administered housing funds, such as JumpStart/PET and MHA, proceeds from City-issued bonds, and other fund sources if authorized by ordinance. Short-Term Loans authorized in this Chapter also may use funding derived from the 2009, 2016, and 2023 Levies. The following program objectives and policies apply to all fund sources for the Rental Housing Program, subject to the requirements described in Chapter I and unless otherwise indicated below in these Policies.

Funds are made available annually through one or more Notices of Funds Available (NOFAs) for new housing production or preservation projects, and for existing housing preservation or rehabilitation projects. In addition, funds may be made available through a competitive Request for Proposal (RFP) process as authorized in Chapter VIII. The published NOFA or RFP will include additional funding priorities and requirements. Funding may be awarded outside the NOFA or RFP process for emergency repairs or to prevent waste or the imminent loss of previously funded projects as described in these Policies.

### **1. Rental Housing Program Objectives and Priorities**

#### **A. General Objectives and Priorities**

The following objectives will guide the Rental Housing Program:

- Provide a mix of affordable rental housing, serving a range of households, family sizes, and income levels consistent with income limits and affordability requirements for each fund source, to promote housing opportunity and choice throughout the City.
- Contribute to countywide efforts to make homelessness rare, brief, and one-time by providing housing that serves individuals and families who are homeless or at risk of homelessness, including those who are disproportionately impacted by housing instability, including, but not limited to, people with long or repeated periods of homelessness, chronic disabilities, criminal records, who served in the US military, or who have other significant barriers to housing.

- Provide housing that offers service delivery models to support recovery for those with substance use disorders.
- Provide a stable and healthy living environment where Low-Income individuals and families can thrive, with culturally relevant and linguistically competent services, and with access to education, employment, affordable transportation, and other opportunities and amenities.
- Acquire and preserve existing affordable housing, including occupied buildings that are subsidized rental housing or affordable private market housing, particularly such occupied buildings where low-income residents may be at risk of displacement.
- Affirmatively further fair housing and advance the City’s equitable development goals, including by prioritizing investments in areas where residents have experienced and/or are at risk of displacement (particularly for communities that have been disproportionately negatively impacted by systemically racist practices such as redlining), that provide high access to opportunity, or that have not received significant public investment for affordable housing previously.
- Contribute to the development of sustainable, walkable neighborhoods, particularly near high-capacity transit, giving Low-Income residents access to transportation, services, and economic opportunity.
- Working collaboratively with other funders of affordable rental housing to ensure that the greatest number of quality affordable housing units are preserved or produced each funding round.
- Promote cost-effective sustainable design, construction, rehabilitation, and operations of affordable housing.
- Reinvest in low-income housing when necessary to upgrade major building systems, improve operations, energy efficiency, and safety, and extend the life of the building.
- Promote City goals to support project sponsors based in community working to address housing inequities and who have the experience and resources to effectively address the needs of underserved communities including Black, Indigenous, and People of Color communities, and others historically excluded from equitable access to housing.

To meet these objectives, the Rental Housing Program will apply the following priorities to project funding decisions.

#### **i. Resident Population Priorities**

The following funding priorities relate to the resident populations intended to be served in Rental Housing Program projects. A project may propose to serve residents who fall into more than one population group – for example, older adults who previously experienced homelessness – and therefore may address several priorities.

**1) Housing for families, adults, youth (including without limitation youth or adults formerly served by the foster care system), and young adults experiencing homelessness, including without limitation individuals with disabling conditions experiencing chronic homelessness, and those who served in the US military**

Priority will be given to projects that will dedicate units to serve people experiencing homelessness and will meet the following conditions:

- Applicants must demonstrate a high likelihood of securing operating subsidies as well as funds to provide appropriate levels of supportive services. For Permanent Supportive Housing (PSH) that will serve people experiencing chronic homelessness with disabling conditions, including substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, such housing will have appropriate services that generally will include on-site case management, mental health, health care, and chemical dependency services.
- Homeless housing projects must be aligned with the City’s Comprehensive Plan and King County Regional Homelessness Authority (KCRHA) Five Year Plan. PSH or other homeless housing with a federal, state, or local services funding contract that requires coordinated entry referrals must receive tenant referrals through a coordinated entry system approved by funders. Homeless housing that does not have a contractual requirement will make units available through agreements with homeless services providers. OH may approve homeless housing that is set-aside for other identified homeless groups, consistent with City priorities, such as homeless families with students attending Seattle schools, people exiting or diverted from institutional settings, and residents moving from PSH to housing with less intensive on-site services.

Consistent with Housing First principles, all housing owners will increase access to housing opportunities for people with significant barriers to housing, such as criminal records, through their tenant admissions policies, and tenant screening criteria included in approved management plans referred to in Section H of this Chapter. In addition, owners will provide housing for residents who have experienced homelessness through voluntary referral relationships. Housing owners who have units that do not receive referrals from a coordinated entry system will affirmatively market housing to provide access to applicants experiencing homelessness and other underserved groups, as well as other eligible applicants.

**2) Housing for older adults and people with disabilities**

OH-funded housing is generally available to older adults and people with disabilities, including without limitation those who served in the US military, and adults formerly served as youth in the foster care system; all projects should be designed to include accessible housing units and accessible common areas.

OH will give priority to projects that provide housing units set-aside for older adults or residents with disabilities, particularly projects designed to provide support for underserved groups. These projects must show that proposed building design and services support independent, healthy living and social interactions that benefit these populations. Projects that are proposing to provide on-site services for older adults with Extremely Low-Incomes, people with disabilities and/or people who require supportive services to live independently must demonstrate high likelihood of obtaining appropriate levels of operating and services funding for the intended residents. OH will prioritize projects that will provide culturally appropriate services to create welcoming and safe home environments for immigrant seniors, LGBTQ older adults, and other underserved groups.

### **3) Housing affordable to low-wage working families and individuals**

OH will prioritize projects that will serve low-wage households, including without limitation those who served in the US military and adults formerly served as youth in the foster care system, by providing a mix of unit sizes and a range of income levels, generally up to 60% of Median Income, and that include units serving households at 30% of Median Income. A mix of unit sizes and amenities to accommodate families, including large families, is a priority for new construction projects. Projects serving families should consider design features such as play areas, direct sight lines to play areas, and adequate space within units. Projects should be located near transportation and local services and amenities, giving low-wage workers the option to forgo a vehicle, and providing safe access to schools, parks, transit, and community facilities serving families with children. Projects should take into consideration the diversity of the neighborhood, the anticipated tenant population, broader community development goals (including, but not limited to, affordable commercial space), and uses necessary to meet residents' everyday needs such as commercial or non-profit groceries, childcare, health services, fresh/healthy food merchants, home goods, cultural anchors, and other desired community services.

## **B. Project Location Priorities**

The City encourages production and preservation of affordable housing throughout the city. OH's investment in affordable housing in all City neighborhoods is intended to maximize choice



for low-income residents of Seattle and to promote City goals to affirmatively further fair housing.

OH will prioritize locations that:

- **Provide Access to Transit:** Access to transit is a priority for all housing projects, as transportation costs are second only to housing costs for most low-income households and many low-income households do not own a car. In particular, OH will prioritize locations near high-capacity transit and light rail station areas, both existing and planned.
- **Provide Access to Opportunity:** OH will prioritize housing project locations that afford low-income residents the greatest access to opportunities such as jobs, quality education, parks and open space, and services. To achieve development throughout the City, including in high-cost markets, OH will accept acquisition costs reflecting neighborhood level market conditions.
- **Advance Equitable Development Goals and Address Displacement:** OH will prioritize housing projects that support community development, including those proposed by local, community-based, non-profit organizations that are culturally relevant and historically rooted, particularly when the project site is in an area that is at high risk for displacement. Additional consideration will be given to projects already receiving funding through the Equitable Development Initiative.
- **Serve Needs of Residents:** Proposed projects should demonstrate that the proposed location is appropriate. This will vary depending on the project. OH will prioritize, for example, locations near schools and parks for projects with large units that will serve families and locations near senior centers for senior housing.

### **C. Cost-Effectiveness and Sustainability**

The Rental Housing Program emphasizes efficient, cost-effective, and sustainable housing development. To meet Levy production goals, projects must leverage other public and private fund sources: capital funding for housing development and, for homeless and special needs housing, ongoing funding for building operations and supportive services. OH will continue to prioritize leverage of other public and private investment, both capital funding for housing development and operating and supportive services funding for residents with special needs. Proposed projects will be prioritized if they will preserve existing housing subsidies and/or prevent displacement of Low-Income residents.

OH will encourage project design and construction that promotes efficient, cost-saving and energy- conserving operations over the life of the building. All new construction and most renovation projects must meet Washington’s Evergreen energy efficiency standards for new construction and renovations, respectively. OH will support efforts to exceed standards with energy and water saving features that provide long-term public benefit as well as lower cost building operations. For existing low-income housing projects seeking funding for building improvements, OH will prioritize investments that extend the useful life of the building, improve health and safety, provide energy conservation, and reduce operating costs.

## **2. Rental Housing Program Policies**

### **A. General Conditions and Requirements**

#### **i. Affordability Requirements**

##### **1) Housing Levy Fund Allocation**

The following fund allocation policy applies to the total of all awards of 2023 Housing Levy funds under this Program and the OMS Program, except for Short-Term Loans, and not on a project-by-project basis.

- At least 60% of the sum of Program funds and OMS Program funds shall be used for housing affordable to households with incomes at or below 30% of Median Income.
- The balance of Program funds shall be used for housing affordable to households with incomes at or below 60% of Median Income.

##### **2) Federal HOME and CDBG Funds**

This policy is applied to federal HOME and CDBG funds that are available for rental housing projects each program year, consistent with the Consolidated Plan’s Annual Action Plan and federal requirements:

- HOME funds shall be used for housing affordable to households with incomes at or below 60% of Median Income. A portion of units, generally 20%, will be affordable to households at or below 50% of Median Income as required by HOME regulations.
- CDBG funds shall be used for housing affordable to households with incomes at or below 60% of Median Income, except that CDBG funds used for acquisition of occupied residential buildings may follow CDBG regulations which generally require a minimum of 51% of units affordable to households at or below 80% of Median Income.

## **ii. Eligible and Ineligible Activities and Costs**

Program funds are intended to be used to fund the preservation and production of rental housing subject to Chapter 59.18 of the Revised Code of Washington (the Residential Landlord-Tenant Act). Projects funded by the program may utilize different living arrangements and service delivery models, including, but not limited to, supportive low-barrier (Housing First), recovery-based (sober living), and others. Funds may be used to finance entire developments, individual units, or residential portions of a development.

Different portions of the same development may be funded by separate Program loans, but for purposes of these Policies, including limits on OH funding for Eligible Total Development Costs, OH may consider them as a single project, and may consider funds lent to the owner or developer of one portion of the project as supporting units in another portion, including for purposes of policies allocating funds based on affordability levels or income limits.

## **iii. Eligible Costs**

Eligible costs include, but are not limited to:

- Appraisals
- Architectural/engineering fees
- Capitalized Operating Reserves
- Capitalized Replacement Reserves
- Closing costs
- Construction
- Contingency
- Developer fees
- Environmental Assessment
- Financing fees
- Hazardous materials abatement
- Inspections and Surveys
- Insurance
- Interest
- Option costs
- Permits
- Reimbursement of Pre-Development costs\*
- Professional Fees
- Purchase price
- Relocation
- Title insurance

\*Funding for Pre-Development through the Rental Housing Program is primarily intended to support projects developed by small, community-based non-profit housing developers who have barriers to accessing other sources of Pre-Development funding. All nonprofit borrowers are encouraged to use other cost-effective sources for Pre-Development funding, including private loans.

Eligible costs are intended to include capital expenses, not operational expenses or costs, with expected useful life of over one year. Program funds may refinance debt incurred for acquisition

or for any eligible costs, and if necessary to finance a rehabilitation project, program funds may refinance other existing secured debt.

#### **iv. Residential spaces**

Program funds may be used to fund housing units, residential spaces, and common areas to the extent they serve the low-income housing and not other uses. The Director may set standards for bedrooms in residential units for the purpose of establishing unit size and associated rent restrictions. Generally, communal residential bathrooms and kitchens are not eligible for funding, but may be allowed at the Director's discretion based on specific programmatic or population need. Examples of eligible residential spaces include:

- Building Lobby
- Areas for resident use such as television or reading rooms
- Bathroom and kitchen areas associated with community spaces for building residents
- Corridors, stairwells, storage areas
- Management and service office space that is accessory to the housing
- Spaces used for on-site social services

#### **v. Mixed-use and mixed-income developments**

Program funds can be used for projects that combine Low-income rental housing with market-rate housing and/or commercial or other nonresidential spaces. However, costs associated with non-residential uses and market-rate housing are not eligible for Program funding. Common areas and office space may be eligible for funding if OH determines they will serve residents of the affordable rental housing.

Borrowers must demonstrate that Program funding is attributable to eligible residential spaces and that costs of other parts of the project are paid by funds eligible for that purpose. Where it is impractical to segregate costs between Program-funded units and other portions of a mixed-use or mixed-income project, the Director may permit such costs to be pro-rated between Program funding and other funding sources based on a reasonable formula.

In order to facilitate development of the eligible residential spaces, OH may allow Program funds to be disbursed for the full amount of a shared cost item if:

1. Documentation is provided prior to expenditure of Program funds that assures sufficient funding from other sources will be provided prior to project completion equal to the full amount allocable to space that is not eligible for Program funds, and that the other space is an eligible use of the other sources; and

2. The loan documents require that the final cost certification confirms the allocation of appropriate non-Program funds for such other spaces.

#### **vi. Ground Leases**

Ownership of a property is preferred to site control through a long-term ground lease. In addition, reversionary interests and other future interests (such as purchase options) will generally not be allowed. A long-term ground lease will be permitted in cases where the City or the Seattle Housing Authority is lessor, or the lessor and the lessee agree to accept the loan conditions in Section E of this Chapter and the City receives security in both leasehold and fee interests. Projects involving a borrower that is a lessee (other than with the City or Seattle Housing Authority) where the lessor and lessee do not both accept these terms and conditions will be permitted only if the project represents an unusual cost-effective opportunity or furthers community development objectives in low-income neighborhoods, and the project meets all other OH requirements needed to provide adequate security for OH's loan. At a minimum, the following conditions will apply to properties where the borrower is the lessee and the owner (other than the City or Seattle Housing Authority) does not agree to subject its interests to the City's deed of trust and regulatory agreement:

1. **Repayment:** Loans will not be deferred, and instead must be amortized and structured (including hard debt payments) to provide for repayment over the life of the loan. This is needed to avoid a balloon payment at the end of the loan, given that the remaining term of the lease is not adequate security for a large balloon payment.
2. **Lease term:** Leases will generally be 75 years or longer. Minimum lease term is 60 years with a preference for longer terms when feasible. The lease term must exceed the City loan term by at least five years.
3. **Security:** Security for the City loan should be appropriate to protect the City's interest in repayment of the loan.

#### **vii. Replacement housing conditions**

Program funds shall not be used to finance development of replacement housing units developed as a condition to a tax exemption through the Multifamily Tax Exemption program, as a condition to a Major Institution Master Plan boundary expansion, or otherwise required as mitigation for demolition of existing housing.

## **B. Project Requirements**

### **i. Eligible Borrowers**

An applicant and/or proposed borrower must demonstrate ability and commitment to develop, own, and manage affordable housing, including a stated housing mission in its organizational documents. OH will evaluate the experience of an applicant’s development team, management team, Executive Director, staff, and Board of Directors (if applicable) to determine there is sufficient capacity to sustainably develop, own and operate housing on a long-term basis. Applicants that lack direct experience in these areas may demonstrate capacity by partnering with an entity or entities that provide essential expertise to the project. In these cases, OH will evaluate the proposed partnership to ensure it meets the needs of the project and is sustainable for an appropriate length of time. The applicant, proposed borrower, and all Affiliated Entities of each of them (whether or not involved in the proposed project) must be in Good Standing on all existing loans and subsidy contracts administered by OH. Good Standing is defined in Section I of this Chapter, Project Monitoring.

The OH Director may waive certain eligibility criteria for community-based organizations that participate in the JumpStart/Payroll Expense Tax (PET) Community Self-Determination Fund Program.

Eligible applicants and borrowers are:

1. Nonprofit agencies with charitable purposes. Private nonprofit agencies will be required to submit articles of incorporation and an IRS letter as proof of nonprofit status.
2. Any corporation, limited liability company, general partnership, joint venture, or limited partnership.
3. Public Development Authorities.
4. Seattle Housing Authority (SHA), except that housing to be developed at Yesler Terrace must be authorized in the Yesler Terrace Cooperative Agreement approved by City Council.
5. Private for-profit firms.

#### **ii. Cost-effective long-term investments**

Proposals for quality affordable housing must demonstrate a cost effective, sustainable investment of public funding. OH will apply the following policies to determine whether a proposal satisfies this requirement.

1. Land acquisition costs should be justified and not exceed a competitive market price for the location. OH recognizes that land cost will be higher in some market areas within the city.
2. Design for new construction should clearly promote efficient use of space and utilities.

3. For acquisition and rehabilitation of existing buildings, building improvements should address energy efficiency and related health and safety benefits, as feasible and appropriate, and utilize funding through OH’s Weatherization program if available.
4. Per-square foot and per-unit costs should reflect current market rates for the type of housing being produced.
5. Low per-square-foot land acquisition costs should not be sought at the expense of considerable site work challenges.
6. Fees for contractors and professional services should be competitive.
7. Unnecessary costs should be avoided whenever possible.

### **iii. Maximizing production and preservation**

The City strives to leverage non-City resources for capital, operating, maintenance, and supportive services to the greatest extent possible. OH works collaboratively with other funders of affordable housing including, but not limited to: the Washington State Housing Trust Fund and Department of Commerce, King County’s Community and Human Services Division, the City’s Human Services Department, the Washington State Housing Finance Commission, equity syndicators and investors, and private lenders. OH and its borrowers are expected to maximize these capital resources to ensure that the greatest number of quality affordable housing units are preserved or produced by the public funders each funding round, consistent with adopted priorities and funding allocation policies for the Housing Levy and other housing fund sources.

### **iv. Leveraging and maximum percentage of capital funds**

In general, OH will award funds up to a maximum of 40% of the eligible residential total development costs (“Eligible TDC”) of a project. The City’s maximum percentage of project financing includes any capital funding from document recording fee revenues awarded by King County. Eligible TDC includes all components of the development budget, including site acquisition and development, construction costs, and soft costs, attributable to the housing units that are eligible for City funding and any common areas to the extent that OH has determined they are eligible for funding.

The Director may allow up to a total of 50% of Eligible TDC to be financed with City funds for projects that meet at least one of the following criteria:

1. Project is located in a high cost area with access to appropriate services and amenities for the intended population and little or no existing low-income housing opportunities are available.

2. OH determines that additional funding is needed to increase the number of units that have Affordable Rent for Extremely Low-Income tenants.
3. Projects that provide special amenities and/or unique design features for the proposed tenant population such as large units for families; units requiring reconfiguration to meet the needs of the proposed population; or special design features resulting from the participation of potential tenants and/or community members in project development.

In addition, in scenarios where leverage is constrained, and projects are unable to obtain additional funding through traditional methods of funding such as Low-Income Housing Tax Credits the Director may allow a reasonable percentage above 50% of TDC for projects.

#### **v. Additional policies**

Projects must also comply with policies contained in Chapter X, as applicable:

- Development Siting Policy
- Community Relations
- Relocation, Displacement, and Real Property Acquisition
- Affirmative Marketing
- Fair Contracting Practices, WMBE Utilization, and Section 3

Additional or different requirements may apply to fund sources other than the Housing Levy, including federal requirements for HOME and CDBG funds, and some requirements may be applied to projects not using HOME funds in order to satisfy federal matching conditions.

### **C. Construction Requirements**

OH strives to ensure fair contracting methods and competitive pricing in the construction and rehabilitation of affordable housing. Borrowers receiving permanent financing shall generally meet the following minimum construction requirements. OH may include additional requirements in a NOFA or RFP, but may reserve the right to waive or modify any such additional requirements. Borrowers are responsible for the compliance of all documents, plans and procedures with all applicable laws, regulations, codes, contracts and funding requirements.

#### **i. Competitive selection of contractors**

Borrowers must make every reasonable and practical effort to competitively select their general contractor unless an alternative selection process is approved by the Director. Borrowers must



propose a competitive process that clearly meets the City’s requirements as published in each NOFA or RFP. The borrower shall submit a summary of the proposed competitive selection process for OH approval. OH may require modifications to the process prior to implementation.

### **ii. Contracting types and project delivery methods**

Borrowers may propose to use a Cost Plus a Fee with a Guaranteed Maximum Price, a Stipulated Sum contract, or an alternative contract type that meets the City’s requirements as published in each NOFA or RFP. The borrower’s construction contract with the general contractor and any amendments to the contract shall be submitted to OH prior to execution.

### **iii. Construction management**

If borrowers do not have sufficient in-house construction management capacity, they will be required to contract for this service. Borrowers proposing to manage their own construction projects must demonstrate such expertise to OH. Such borrowers must have prior experience managing a construction project and have staff available to coordinate necessary work. In addition, the scope of work should appropriately match the sponsor's construction management experience and staff expertise.

### **iv. Wages**

State Residential Prevailing Wage Rates shall be the minimum rates applicable to all projects unless a higher minimum rate applies or an exception is made as allowed in this paragraph. When federal funds in a project require prevailing wages to be determined under the Davis-Bacon Act, the higher of either the state residential prevailing wage rates (unless modified by the Director as stated below) or Davis-Bacon wage rates will apply to each job classification, unless applicable law requires otherwise. The Director may approve a change in these prevailing wage requirements if necessary to achieve compatibility with a state or federal funding source. OH shall establish procedures regarding payment of appropriate wages in consultation with the City’s Department of Finance and Administrative Services, which monitors compliance. In cases where Davis-Bacon wages are triggered, Davis-Bacon monitoring procedures are followed as required by HUD and administered through the Human Services Department.

### **v. Apprenticeship programs**

All borrowers are encouraged to require contractors to participate in state-approved apprenticeship programs.

### **vi. Workforce diversification**

In a published NOFA or RFP, OH may include expectations for contractors to establish and achieve workforce diversification goals. Such expectations will be modeled on the City’s existing

Priority Hire goals and will apply to projects that the Director deems suitable for such goals. In a housing project where workforce diversification goals are applied, OH may determine that these goals supersede certain requirements in Chapter X.5 below.

#### **vii. Sustainability requirements**

Projects must comply with requirements of the state’s Evergreen Sustainable Development Standard (ESDS) applicable at the time of OH’s funding award. These requirements apply to all projects, regardless of whether state funding is used, except that OH may approve a limited scope of work that does not include all ESDS requirements for rehabilitation of a previously funded housing project as provided in Section G, below. Details are available through the Washington State Department of Commerce.

#### **viii. Broadband Technology**

New construction projects generally must include broadband infrastructure to facilitate internet access for residents of low-income housing.

### **D. Project Selection**

#### **i. Notice of Funds Available**

At least once per year, OH will issue a Notice of Funds Available (NOFA), which will provide application requirements, details on specific fund sources available, application forms, and deadlines. The NOFAs will announce, together or separately, opportunities to apply for permanent financing for new housing production, preservation and rehabilitation of housing, or supplemental funding for rehabilitation of existing OH-funded housing, and for Short-Term Loans for site and building acquisition for future development.

As provided in Chapter VIII, OH may separately announce funding for housing development on a publicly owned site through a competitive RFP process. OH may review and approve funding applications separate from the selection process described in Section G.iii for housing developments at publicly owned sites. OH will not award funds for housing at publicly owned sites until a detailed funding application including cost estimates is submitted and reviewed by the OH and determined by the Director to be in accordance with these Policies. OH may expend funds directly on the lease, acquisition, maintenance, or management of publicly owned sites, and on due diligence, including third-party reports, separate from a funding award for development of affordable housing.

All applicants are required to attend a project pre-application conference with OH staff prior to submitting an application for funding. OH will allow minor deficiencies to be corrected and

clarifications to be made by applicants during the review process. Otherwise, incomplete applications will not be considered for funding.

## **ii. Application components**

OH uses the Washington State Combined Funder Application for Affordable Housing. At minimum, applications must contain the following:

1. Project description: location, number and type of units, rent levels, need, and special characteristics.
2. Applicant and borrower capacity in the development, ownership, and management of affordable multifamily housing and capacity to serve the focus population: For homeless housing proposals, if the applicant currently operates homeless housing, OH will consider any available information provided by services funders and the applicant regarding the applicant's performance in meeting homeless contract standards.
3. Tenant profile: a description of proposed and existing tenants and their needs, projected household sizes, estimated amounts and sources of tenant income, any tenant referral arrangements and eligibility as required by proposed services fund sources.
4. Evidence of site control: fee simple ownership, an option to purchase, an earnest money agreement, or a lease (or option to lease) with a minimum term of 60 years, may constitute site control. OH will consider projects where the underlying ownership is through a real estate contract if the contract holder is willing to subordinate their interest to the OH loan or if there is adequate provision for the applicant to discharge the underlying contract and obtain fee title.
5. Appraisal: If the project involves property acquisition, an appraised value based on the highest and best use at the time of site control will be used to assess whether a fair price is paid for land, including any structures. The appraisal should take into account any existing restrictions. Project applicants should make acquisition offers subject to verification by appraisals acceptable to the City and subject to the outcome of environmental review.
6. Construction description: Proposed contractor selection plan; scope of work; outline specifications; cost estimates; contract type and project delivery method; Evergreen standards; reports and evidence of early design guidance from the City's Department of Planning and Development, as required.
7. Project schedule.
8. Zoning: Zoning must be appropriate for the proposed project at the time of application or within a timeframe approved by the Director.
9. Phase I site assessment including asbestos/lead paint/hazardous materials survey—a survey to identify the presence and amount of asbestos/lead paint and/or any other

hazardous materials or underground tanks within the building or elsewhere on site and a description of proposed abatement measures. A Phase II assessment will be required if recommended in the Phase I assessment.

10. Development budget and proposed sources: Budget shows reasonable leverage of other fund sources and demonstrates that the requested OH funding amount is necessary to complete the project. Projects with capital campaigns proposed as a source of financing must provide documentation that at least 50% of the total campaign amount has been pledged unless a lower threshold is approved by the Director.
11. Relocation Plan, if applicable.
12. Operating Pro Forma: a 30-year operating pro forma with proposed rents and required rental assistance or operating subsidy, taxes, insurance, utilities, salaries, management fees, replacement and operating reserves, maintenance supplies and services. Borrowers should anticipate a 50% of cash flow payment on the City loan (cash flow payments are not anticipated in PSH projects).
13. Support services: budget and support services plan, if applicable.
14. Draft Community Relations Plan: description of neighborhood notification process completed prior to submitting the application and plans for ongoing community relations activities, consistent with the Community Relations policy in Chapter X. Proposal must describe how community issues or concerns raised will be addressed.

### **iii. Proposal review**

Funding applications are reviewed and evaluated in detail by OH staff based on the requirements listed in these Policies, specific fund source requirements, and additional criteria published in the NOFA. OH staff works closely with the other public funders that have been requested to fund each project. The public funders collaborate on proposal evaluations and financing strategies that meet the requirements of each fund source while maximizing the number of residents served in affordable housing units (taking into account different unit types) that can be produced and/or preserved each funding round.

When projects have been evaluated, staff makes funding recommendations to the Director. The Director will generally request review by an Advisory Committee composed of persons appointed by the Director and staff members of the Mayor's Office and City Council who have expertise in affordable housing financing and/or public policy. The Director, whose decisions on funding shall be final, shall make funding awards based on the merits of the proposed projects; the projects' strengths in meeting the objectives and priorities stated in applicable plans and policies and the NOFA; the overall mix of projects funded by the City; and leveraging of public and private resources to preserve or produce the highest number of quality affordable housing

units each funding round. Results are reported to the Housing Levy Oversight Committee and made public.

The proposal review and evaluation process is generally as follows:

- OH staff conduct an initial screening of applications to determine their completeness. Staff reserves the right to deny applications that are incomplete, but will generally work with applicants, within reason, to bring applications into compliance to be considered complete.
- Each project application is generally assigned to an OH staff member who serves both as project manager and underwriter for the application and project. OH staff first review applications for adherence to threshold requirements as described elsewhere in this document and the NOFA. If thresholds are met, staff will compile an analysis and summary of applications based on satisfaction of OH and NOFA priorities; development, operational, and management capacity of the applying organizations; project plan details including populations served, unit mix and affordability, and community-specific concerns; financial feasibility of development and long-term operational plans; and project schedule and overall readiness to proceed with development.
- A team of OH staff with expertise in affordable housing development, finance, operations, policy, community development, land use, and permitting convenes in internal meetings to review and discuss the summary analyses.
- OH staff meet and confer with other local public funders to align their collective funding strategies, when possible, with the goal of maximizing the number of residents served in affordable units (taking into account different unit types) to be produced and/or preserved while maintaining compliance with individual organizational and funding source requirements.
- OH staff produce a draft funding recommendation based on input and findings from previous steps in the process, which is then presented to the Director. The Director will generally convene an Advisory Committee composed of City employees, funders and financiers, community members, and other people with expertise in the affordable housing sector to advise on the merits of individual applications and the funding recommendations as a whole.
- The Director makes final funding decisions considering all analyses and advice provided throughout the process. The Director's decisions are final and not subject to appeal. Applicants are contacted directly and notified of funding decisions before any public announcement is made. The final awards are published publicly and reported to the Housing Levy Oversight Committee at their next meeting if not sooner.

#### **iv. Fund reservation**

The Director authorizes a fund award for each selected project, which provides information about fund source requirements, funding levels, and conditions that must be met prior to closing and prior to occupancy. Fund awards are not binding on the City until loan documents are finalized and signed by both the Director and the owner.

The Director may reduce or revoke funding to any project for several reasons, including, but not limited to, failure to meet funding conditions; decrease in costs from the preliminary cost estimate submitted in the application; failure of the applicant to obtain other funding; noncompliance by the applicant with City policies; determination of inaccuracies in the information submitted; increased costs or other factors affecting feasibility; failure to begin construction within a reasonable timeframe; results of environmental or other reviews; changes in the Good Standing of the applicant, borrower, or Affiliated Entities; or failure to the applicant to agree to loan conditions.

If a project continues to be eligible for OH funding throughout the development process, OH will take into account, in considering any reduction in a funding award, whether it would eliminate the project's ability to utilize another critical funding source. The Director also may increase funds to a project after the initial fund reservation if reasonably necessary to assure success of the project or maximum public benefit, based on new information not reasonably available or foreseeable at the time of the initial decision. Conditions that warrant increases in funding can include: increased construction costs, increased interest rates, and project timing delays, beyond the reasonable control of the applicant. Such increases will be balanced with overall demand for funding of new projects.

#### **v. Forward Commitments**

At the discretion of the Director, OH may commit a future year's allocation to finance affordable housing. Forward commitments of up to a total of \$15 million annually of the following year's allocation of 2023 Levy Rental Production and Preservation funds may be awarded to a rental housing project or projects applying for funds through a NOFA, consistent with program policies and subject to future appropriation and to the allocation of tax revenues to the program. A forward commitment of Levy funds under this policy will allow OH to respond to special circumstances such as large and/or significant housing development opportunities that are ready to proceed, may become infeasible or incur significant cost due to delay, and cannot be fully funded using the current year's resources.

### **E. Loan Conditions**

Financing shall generally be in the form of long-term loans. In addition, OH may approve short-term loans as provided in Section F of this Chapter, Short-Term Loans.

Loan conditions are meant to promote and encourage long-term use of properties for low-income housing. The Director may deviate from the loan terms and conditions contained in these Policies in the following cases:

1. For tax credit entities, where such loan terms may impair the availability of tax benefits
2. When the borrower expects to receive other funding sources from which full or partial repayment of the City loan can be made prior to the normal maturity date
3. To enable a project to secure other financing, including HUD-insured loans and HUD capital grant

#### **i. Loan terms**

Permanent loan terms will be a minimum of 50 years. OH may provide an acquisition or construction loan for a much shorter term that is eligible for conversion to a permanent loan upon satisfaction of conditions.

#### **ii. Interest rate**

The interest rate for projects not using low-income housing tax credits will generally be 1%. The interest rate for projects using low-income housing tax credits will be a minimum of 1% simple interest and a maximum of the Applicable Federal Rate for the purposes of Section 42 of the Internal Revenue Code, depending in part on the project's projected capacity for repayment. The actual interest rate for projects using low-income housing tax credits will generally be 1% and can range from 1% to 3%. The interest rate may exceed 1% where there is a benefit to the project's development financing. One purpose of establishing a range for the interest rate on Program funds is to provide flexibility in financial structuring to maximize tax credit equity contributions and to help preserve long-term affordability.

#### **iii. Developer Fee**

The cash portion of the developer fee is determined according to a schedule document, last updated in 2024, that can be found on the OH website.

#### **iv. Undisbursed Funds After Closing**

In general, all funds committed by OH to a project shall be disbursed, expended and accounted for by the last day of the month 18 months after the calendar month in which the project received its final certificate of occupancy (or its equivalent). Any remaining funds not yet disbursed at that point may be retained by OH and reallocated to other purposes.

## **v. Upward Adjusters**

Unless otherwise set forth in an agreement between OH and a borrower, the following policy applies to projects that have received equity financing through Low-Income Housing Tax Credits. If a project receives an increase in the capital contribution from the low-income housing tax credit investor, the additional capital contribution will be distributed in the following manner:

### Eligible costs to be approved by OH

- Payment on the outstanding OH loan.
- Eligible project costs.
- Additional deposit to the project’s replacement reserve account.
- Other project or sponsor costs that support the residents living in the project.

### Cost sharing

Assuming project and sponsor costs can be justified, OH generally supports a majority of funds returning to the project. As an example, OH approved the following distribution for the upward adjuster received for a project in 2023:

- 33% to the project
- 33% to the sponsor
- 34% to OH

The distribution amount will be negotiated on a project-by-project basis, including review of the eligible costs and percentage distribution.

Factors that will be considered with the final distribution amount include whether the upward adjuster is a result of increased development costs, the long-term capital needs of the project as supported by the capital needs assessment, the proposed other project or sponsor costs that support residents, and the financial needs of the sponsor. Additional consideration will be given to project sponsors working to address housing inequities and who have the experience and resources to effectively address the needs of underserved communities, including without limitation, Black, Indigenous, and People of Color communities, and others historically excluded from equitable access to housing.

## **vi. Repayment**

OH will generally make deferred payment loans that are payable in full on sale, on change of use, or at the end of the loan term. Terms generally will permit borrowers to further defer payment of principal, deferred interest, and contingent interest by extending the loan term. Cash flow payment loans, or loans requiring periodic payment of some or all interest, will



generally be required if project proformas indicate that the borrower will be able to make payments and meet expenses consistent with Rent limits. Required payments may be set to begin at a future date, such as after a tax credit compliance period. Terms of repayment will be established in the award letter and subject to revision at the time the regulatory agreement is executed. OH may agree to an owner's request to modify repayment terms at a future date, such as after a tax credit compliance period, if the Director finds that the change is necessary in order to obtain favorable refinancing terms for senior debt, or that the owner is unable to make scheduled payments without an undue adverse effect on operations or necessary reserves, or that an alternative use of building income will benefit Low-Income residents or will enhance or protect the City's investment in the Property.

#### **vii. Transfer and assumption**

OH may permit the assumption of the loan, and the transfer of the property acquired, constructed or rehabilitated with the proceeds of the loan, without requiring repayment of principal, interest or other amounts owing under the loan at the time of the transfer, under the following circumstances:

- The loan is assumed by a tax credit entity and the entity makes a substantial equity investment in the low-income housing;
- The property is transferred by a tax credit entity to a nonprofit corporation or public agency approved by the Director, or to an entity controlled by such a nonprofit corporation or public agency, including without limitation a transfer to the general partner or manager pursuant to the terms of an option agreement made in connection with the formation of the tax credit entity; or
- The property is transferred, with the approval of the Director, to an approved transferee in Good Standing such as a qualified nonprofit corporation or public agency, without consideration to the transferor other than assumption by the transferee of outstanding obligations.
  - Subject to negotiation with OH and at the discretion of the Director, an exception may be allowed for reasonable consideration to the transferor if the property is being transferred for the purpose of providing affordable housing, and taking into account the value of the property, the debt being assumed, and other affordable housing benefits from the transaction.

Prospective new owners must complete a transfer of ownership application and meet the guidelines established for transfer of ownership.

#### **viii. Refinancing of private debt**

OH may allow refinancing of private debt in cases that result in additional capital investment in the project; that result in a lower interest rate and reduced debt service; or that produce some other long- term project benefit. OH shall review the proposed new financing terms; proposed transaction costs; a capital needs assessment; and the adequacy of reserve accounts. OH may define additional submittal requirements.

#### **ix. Covenant (Regulatory Agreement)**

A covenant will be recorded against the property that requires continued use of the units funded by the City as low-income housing for the stated term of the loan, and for any period for which the loan is extended or remains outstanding. Unless otherwise agreed by the Director, the covenant shall continue in effect if the loan is repaid or discharged before the maturity. The Director may release the covenant, wholly or in part, in connection with a sale or transfer of the property approved by the Director, including any foreclosure, if the Director determines that under all the circumstances, including any proposed substitution of other units, the release will likely result in a net benefit to the City’s efforts to achieve low-income housing goals, compared to maintaining the covenant. The Director may release a covenant, consistent with this Section, on housing loans made under prior A&F Plans for any Housing Levies, Consolidated Plans, or other City policies or ordinances governing the use of housing fund sources, subject to any applicable requirements of federal or state law, or of grant agreements with the City’s fund sources.

#### **x. Regulation of units without funds committed**

As a condition of funding of eligible rent and income-restricted units, OH may require additional regulation of units affordable to households with incomes up to 80% AMI in the regulatory agreement, without providing funding to support the development of those units, in the interest of maintaining affordability levels in the project long term. The decision to allow for and regulate such units in a project will be contingent on other funding being secured for those units and the overall financial viability and sustainability of the project.

#### **xi. Supportive housing**

Loan terms may include requirements specific to dedicating units for people who have experienced homelessness or who live with disabling conditions such as those that result from physical and/or behavioral health conditions, as well as substance use disorder. Borrowers whose projects have units restricted to persons with these types of conditions may propose to change the population group being served in a project sometime during the loan term. If an event occurs requiring a change in population group served, borrowers will first be required to serve another similar population group. If OH determines that it is not feasible or appropriate,

OH may allow for any households within incomes at or below a specified income level to be served.

### **xii. Contingent interest**

Contingent interest shall be required for all projects at maturity, except as described below, or in the event of change of use or sale of property before the loan maturity date. Upon maturity, sale, change of use, or acceleration or prepayment of the loan, loan principal plus the greater of either deferred interest or contingent interest shall be due. Contingent interest shall be calculated according to a formula established by OH.

The City's contingent interest should reflect the amount of City funds contributed as permanent financing to a project, and may be modified to account for any additional funds contributed during the loan term, such as capital contributions approved by the City or borrower subsidy necessary to cover operating losses. For example, if City funds are 50% of total project costs, the City should receive, in addition to repayment of its principal, 50% of proceeds remaining after repayment of approved project debt (but not including contingent interest owing to other project lenders). Contingent interest may be limited, however, to a maximum effective rate of interest on the City loan, determined by the Director to be reasonable in light of the City's relative priority to other lenders on the project and any other relevant factors. OH may forgo contingent interest in its sole discretion if the borrower reinvests sales proceeds in other affordable housing in the City of Seattle and satisfies any other OH conditions. Contingent interest may also be subject to cancellation or reduction as described in Subsections xiv and xv below.

### **xiii. Prepayment premium**

Prepayment in full of loans will be subject to OH approval. Such approval shall not be unreasonably withheld if the borrower provides adequate assurances of future compliance with the affordability and occupancy restrictions in the regulatory agreement. In general, if a borrower repays the City loan(s) (principal plus the greater of interest or contingent interest) in full during the first 15 years of the loan term, a prepayment premium shall also be due.

The prepayment premium shall be 50% of the original loan principal if the loan is repaid during the first five years of the loan term. The prepayment will decline by 5% per year in years 6 through 15. There will be no prepayment premium after 15 years.

Prepayment premiums shall not be due in the event of involuntary prepayment, due to casualty where there are insufficient insurance proceeds or other sources reasonably available to complete the repairs or condemnation.

#### **xiv. Loan term extension**

Any unpaid principal balance and accrued, but unpaid, interest on OH loans will be due and payable at the end of the initial approximately 50-year loan term. Loan documents may provide borrowers with an option of extension, or, in certain circumstances described below, satisfaction of some or all of the amounts owing through extended provision of affordable housing. At the end of the loan term, borrowers will be encouraged to extend the loan term and continue to extend the period of affordability restrictions for an additional 25 years, and Contingent Interest may be cancelled or reduced provided the property continues to be in compliance with OH requirements.

#### **xv. Debt satisfaction through extended affordability**

As an inducement to serve Extremely Low-Income households, OH may agree to terms in loan documents, for projects in which 50% or more of the units serve these households, by which, if the loan term is extended for 25 years and the borrower and the property remain in compliance with OH loan documents, the debt will be deemed satisfied at the end of that extension period or ratably over the extension period.

For any other projects, loan terms will not provide for any forgiveness of principal debt or ordinary interest, but if the period of affordability restrictions is extended after the initial approximately 50-year term for an additional 25 years, then the terms may provide that contingent interest will be deemed satisfied at the end of that extension period or the contingent interest percentage reduced ratably over the extension period.

#### **xvi. Use of funds owing to the City**

Sale of projects during the loan term requires OH consent. Loan payments to the City will be deposited in the Low-Income Housing Fund unless otherwise required by the fund source for the loan. Payments will be reallocated by OH to low-income housing projects according to priorities established in the currently applicable City policy plans as determined by OH, subject to any specific requirements applicable to Program Income from particular fund sources.

#### **xvii. Deed of Trust; Non-recourse**

Loans shall generally be secured by a deed of trust on the property where the City-funded units are located and generally shall be made on a non-recourse basis, with the City's remedy limited to its security in the project, project rents, and project reserves, except in cases of fraud, waste, or other circumstances determined by the Director to justify recourse against the borrower. OH may require recourse to the borrower or a guarantor, or both, if for any reason a loan is not secured by the real property or otherwise would not be adequately secured in the opinion of

the Director, or may require recourse for a specific amount of time or until certain conditions are satisfied when the City’s security in the property may be inadequate.

#### **xviii. Use of OH-funded projects as security for other low-income projects**

Borrowers may use OH-funded projects as security for financing other low-income housing projects if borrowers receive advance written approval from the OH Director. OH may give such approval if the borrower demonstrates that using an OH-funded project as security for financing another project will achieve benefits for the City and not jeopardize the viability of the OH-funded projects.

#### **xix. Conduit financing**

To take advantage of opportunities to respond to requirements of particular projects, OH may provide funds to a project indirectly, for example by a loan to a borrower that then re-lends the funds to a project owner or lessee. Such financing may include, without limitation, acquisition of tax-exempt bonds from a conduit financing agency where the proceeds are used for an eligible project. In general, the project owner or lessee in such cases must agree to OH’s regulatory terms and must provide a deed of trust for the benefit of the City or assigned to the City.

#### **xx. Management Plan**

Prior to completion of construction, the borrower must submit for OH’s approval a management plan for operations of the building, consistent with the requirements of Section H in this Chapter, with the exception of the capital needs assessment, which must be submitted to OH for approval within six months after completion of construction. For projects that do not include construction, a management plan and capital needs assessment shall be submitted when required by OH. The borrower must make any corrections required by OH and must operate the property in accordance with the management plan and not materially modify the plan or management policies without the prior written consent of OH.

### **F. Short-Term Loans**

Short-Term Loans provide funding for strategic property acquisition for low-income housing development and preservation. Short-Term Loans can be made for acquisition of land or buildings and can support development of rental or ownership housing. These loans could be used to purchase buildings identified through Seattle’s Notice of Intent to Sell ordinance. Loans are intended to be repaid with permanent project financing, which may or may not include City fund sources.

Short-Term Loans may also provide funding for strategic Site Acquisition by OH to secure long-term opportunities for implementation of program objectives. Unless otherwise approved by the City Council, the policies for Housing Development on Publicly Owned Sites apply to City property acquired or funded through Short-Term Loans. The OH Director may propose use of funds directly for Site Acquisition when in the OH Director’s judgment the property involved is suitable for long term low-income housing use and, if it is not already in use as housing, development for that use will be feasible within a reasonable time. The OH Director may use Short-Term Loan funds to acquire an option to purchase or lease property that the Director considers likely satisfy those standards, and if the OH Director finds that there is a need to obtain site control without delay.

For rental housing development, the total outlay of Short-Term Loans, assuming the City exercises the option and any others then in effect, may not exceed \$30 million at any one time during the term of the 2023 Housing Levy. This limit does not apply to outstanding short-term loans issued prior to 2024 under a predecessor program or authority.

Projects applying for Short-Term loans must be presented to relevant OH staff who will meet to analyze proposals in order to provide recommendations to inform the Director’s decision. Permanent financing availability must align with funding needs created by JumpStart/PET Community Self-Determination Fund short-term financing and Levy-funded short-term financing.

The following policies apply to Short-Term Loans. Loans must be used for Site Acquisition, including acquisition of improved or unimproved property, or both, to assist in the development or preservation of low-income rental housing.

#### **i. Notice of Funds Available**

OH will issue a Notice of Funds Available (NOFA) and may consider applications on a rolling basis. The NOFA will specify application requirements similar to the Rental Housing program applications. Pre-application meetings with OH staff will be mandatory. Short-Term Loans may be made only when, in the judgment of the OH Director, there is a high likelihood that permanent financing for low-income housing will be available on acceptable terms before the loan maturity date.

#### **ii. Eligible Borrowers**

To be eligible for a Short-Term Loan, the applicant must: have successfully developed and operated at least three affordable housing projects and demonstrate capacity to secure permanent financing within five years for the proposed project; or be working in partnership

with one or more organizations that can demonstrate capacity to secure permanent financing within five years for the proposed project, and at least one of the partnering organizations must have successfully developed and operated at least three affordable housing projects. The applicant and its Affiliated Entities must be in Good Standing on any OH loans. Applicants who have, or whose Affiliated Entities have, an outstanding Short-Term loan or similar short-term financing from OH will generally not be eligible.

The OH Director may waive certain eligibility criteria for organizations that participate in the JumpStart Community Self-Determination Fund Program, described in Chapter VI.

### **iii. Loan Rate and Terms**

- For vacant land, the loan to value shall generally be up to 95% and may be up to 100% subject to criteria identified in the NOFA. Loan-to-value shall be up to 80% on improved income producing property but may be up to 100% for properties that are not producing income sufficient to cover debt. OH will generally expect City funds to be leveraged with other acquisition sources.
- The interest rate shall be 1% to 3% simple interest. Accrued interest shall be paid in full when the loan is repaid.
- Loans generally will be made on a non-recourse basis. OH may require recourse to the borrower or a guarantor, or both, if for any reason the Director deems it necessary or prudent in order to minimize risk.
- Borrowers must agree to terminate a use other than low-income housing, upon OH request.
- The loan term shall be up to 5 years. The Director shall have the option to allow extensions, or to convert the loan to permanent financing if permanent financing is awarded through a NOFA. Any extensions may be conditioned on the borrower submitting an updated proposal for approval by OH.
- A minimum of a 20-year covenant will be recorded against the property that will require use of the property wholly or in part for low-income housing. Low-income rental housing shall provide an Affordable Rent for households with incomes up to 60% of Median Income. When a loan is used to acquire an occupied building, low-income rental housing may provide an Affordable Rent to existing tenant households up to 80% of Median Income and will be required to provide an Affordable Rent to households with incomes at 60% of Median Income upon unit turnover. Where an occupied housing project, that was not previously income and rent restricted by an affordable housing covenant, is acquired with Program funds, and rehabilitation does not require that existing tenants move out of units, OH may waive the unit affordability and occupancy restrictions for those units occupied by existing over-income tenants to allow for a turnover of units.

The waiver will be limited to a specified period. At or before the end of the waiver period, over-income tenants should generally be relocated when feasible. If the project is income and rent restricted by an affordable housing covenant either previously or as part of the new financing, then the terms of the affordable housing covenant with respect to over-income tenants generally shall apply. OH reserves the right to allow an otherwise over income household to return to their unit in order to avoid displacement of this household.

The covenant shall continue and shall remain in first position when the loan is repaid or discharged. If OH provides permanent financing for the project, the covenant will be amended and restated to comply with Rental Housing program policies as then in effect. However, the Director may release the covenant, wholly or in part, in connection with a sale of the property approved by the Director, if the property is not in housing use and the Director determines that development of low-income housing is infeasible and that the loan must be repaid.

## **G. Supplemental Funding**

For over 30 years the City has been funding affordable housing development with a strategy that included the acquisition of older buildings. As these buildings have aged, OH has encouraged owners to prepare detailed capital needs assessments of their housing portfolio, strengthen replacement reserves, and identify available fund sources for necessary upgrades. City funds may be used to assist with capital improvement projects which will improve living environments for residents, reduce building operating costs, and achieve energy savings. City funds may also be used to improve the financial performance of a building by resizing existing debt. Both types of investment will extend the useful life of the asset, either through improving the physical condition of the building or by improving long-term operations and financial conditions.

Unless otherwise stated in this Section, Rental Housing Program policies will apply. Consistent with Section D, above, OH will issue a NOFA at least once a year, which will be the primary opportunity for project owners to apply for supplemental funding. The Director may approve a supplemental funding award outside the annual NOFA process to address emergency or time-sensitive needs where the health and wellbeing of the residents are at risk or to protect the City's collateral. Consistent with Section E, above, project owners must demonstrate that they have operated the housing in accordance with their loan and regulatory agreements, and either that they have the ability to complete the rehabilitation work and effectively manage the housing or that they propose an appropriate relationship with an entity that will provide the necessary capabilities.



Project sponsors must demonstrate that the housing has capital needs that cannot be addressed through the property's cash flow, reserves or other available resources. OH will give priority to proposals that meet at least one of the following additional criteria:

- Projects that are at or near the end of their existing City loan terms if the owner would consider discontinuing the use as affordable housing, unless the property can be rehabilitated.
- Proposals that present leverage opportunities that would allow a substantial rehabilitation of an existing project.
- Proposals whose scope of work includes items that, in addition to extending the useful life of the building by 20 years or more, will also improve the operational efficiency of the building.
- Proposals that resize existing debt in a refinance transaction to account for increased interest rates, construction costs, or operating expenses.

#### **i. Eligible and Ineligible Activities and Costs**

The project scope of work generally shall be limited to activities that address unmet capital needs and/or improve financial operational efficiencies. Eligible costs include, but are not limited to:

- Architectural/engineering fee
- Capitalized Replacement Reserves in an amount approved by OH in the NOFA
- Closing costs
- Construction
- Contingency
- Construction management
- Environmental Assessments
- Hazardous materials abatement
- Inspections and Surveys
- Insurance
- Permits
- Professional Fees
- Relocation
- Title insurance
- Condominium association assessments imposed for capital purposes
- Owner project management costs
- Capital advance to resize underlying debt

Eligible costs are intended to include capital expenses, not operational expenses or costs, with expected useful life of over 1-year.

Supplemental funding for capital needs may be used to fund housing units, other residential spaces, and structural elements or common areas to the extent they support the low-income housing and not other uses in the building. Examples of acceptable uses include:

- Areas for cooking, eating, bathing
- Building Lobby
- Areas for resident use such as television or reading rooms
- Roofs, facades, corridors, stairwells, storage areas
- Management and service office space that is accessory to the housing
- Spaces used for on-site social services that are required to serve the residents of the housing

Costs associated with market-rate residential units or commercial spaces are not eligible for supplemental funding.

### **ii. Cost-Effective Long-Term Investments**

Supplemental funding proposals must demonstrate a cost effective, sustainable investment of public funding. The following are minimum requirements:

- Capital needs assessment must demonstrate that the proposed scope of work will extend the useful life of the building by at least 20 years, unless otherwise approved by the Director for specific building components.
- Project scope must address energy efficiency and related health and safety benefits, as feasible and appropriate, and should utilize funding through OH's Weatherization program if available.
- Per-square foot and per-unit costs must be reasonable given the type of housing, scope of work and market conditions.
- Fees for contractors and professional services must be competitive.
- Long-term stabilization of financial operations

### **iii. Leveraging and Maximum Percentage of Capital Funds**

In general, OH will allow a maximum of 40% of Eligible Total Development Costs (Eligible TDC) of the project to be financed with Program funds. Eligible TDC includes all components of the development budget, including rehabilitation and soft costs, attributable to the housing units that are eligible for City funding, and any common areas to the extent that OH has determined they are eligible for funding. The maximum percentage of project financing includes capital funding from document recording fee revenues awarded by King County. For purposes of this Section, "project" is defined as those housing units that have previously received City funding and are rent-regulated, any additional housing units proposed to be rent-regulated, and common areas to the extent they serve those housing units. The Director may allow for up to

100% of Eligible TDC to be financed with City funds for a project serving Extremely Low-Income households or a project at risk of foreclosure.

The owner is expected to contribute financially to the project. Existing project reserves may be included as an owner contribution only if a post-rehabilitation capital needs assessment approved by OH demonstrates a 20-year useful life of the building. Owner contribution requirements will not apply to projects where at least 75% of units are restricted by OH to serve households at or below 30% of Median Income.

Additionally, the Director may allow up to a total of 100% of Eligible TDC to be financed with City funds for projects that meet at least one of the following criteria:

1. Projects located in high-cost areas with access to appropriate services and amenities for the intended population and little or no existing low-income housing opportunities are available.
2. OH determines that additional funding is needed to increase the number of units that have Affordable Rent for Extremely Low-Income tenants.
3. Projects that provide special amenities and/or unique design features for the proposed tenant population such as large units for families; units requiring reconfiguration to meet the needs of the proposed population; or special design features resulting from the participation of potential tenants and/or community members in project development.
4. Projects sponsored by organizations working to address housing inequities and who have the experience and resources to effectively address the needs of an underserved community including Black, Indigenous, and People of Color communities, and others historically excluded from equitable access to housing.

#### **iv. Construction Requirements**

Construction Requirements policies will apply to supplemental funding with the following exceptions:

1. Competitive selection of contractors: The Borrower must make every reasonable and practical effort to competitively select its general contractor unless an alternative selection process is approved by the Director. Borrowers must propose a competitive process that clearly meets the City's requirements as published in the NOFA. The Borrower shall submit a summary of its proposed competitive selection process. OH shall review the process and may require modifications prior to implementation. Depending on the scope of work in the supplemental funding proposal and the

Borrower’s demonstrated ability, OH may allow the Borrower to act as its own general contractor.

2. Sustainability requirements: Projects generally must follow the requirements of the Washington State Evergreen Sustainable Development Standard. Details are available through the Washington State Department of Commerce. OH may waive certain requirements in instances where application of the standard would unnecessarily expand the scope of work of the proposed capital improvement project.

#### **v. Loan Conditions**

Loan Conditions policies will apply to supplemental funding with the exception of the following areas:

1. Loan maturity: Supplemental funding loans will generally be a minimum of 50 years. OH may make a supplemental funding loan for a shorter term if the scope of work is relatively limited or if modification of the existing loan provides increased public benefit as described in paragraph 3 below. OH may provide short-term financing, for example, to address an urgent capital need or health or safety concern.
2. Interest rate: The interest rate for supplemental funding loans will generally be one percent (1%). If the project serves households with incomes at or below 30% of Median Income in at least half of the units, the Director may set the interest rate at zero percent (0%).
3. Loan terms: OH may modify existing loan terms and conditions to conform with current Rental Housing Program policies. OH may change the income limits or affordability level for units within the project if required by the fund source used for the supplemental loan or to provide increased public benefit by serving lower income and/or special needs residents. A loan modification will not result in higher Income or Rent limits for City-funded units, except where the Director determines that such a modification is required to sustainably operate the project and capital fund sources permit higher limits.

### **H. Management And Operations**

Good management is critical to the overall success of projects. Project owners will be required to submit a management plan to OH for approval prior to completion of construction.

#### **i. Management Plan**

Management plans must include the following:

1. Occupancy standard (# of persons per unit) that is consistent with applicable law, including Seattle Housing Code and federal, state and City fair housing standards.
2. Rent standard (household income and rents) that complies with contract restrictions.
3. A management philosophy that is appropriate for the target population.
4. Affirmative Marketing Plan that complies with federal, state and City laws and the Affirmative Marketing policy in Chapter X, Section 4. Borrowers must demonstrate cultural competency.
5. Community Preference policy and procedures, with prior approval by OH and Seattle Office for Civil Rights, if applicable.
6. Roles and Responsibilities of key staff and contracted management.
7. Maintenance Plan including a schedule of routine and preventative maintenance; a schedule of inspections; and the long-term maintenance plan.
8. A Life Cycle Cost Analysis (LCCA) that includes a 20-year schedule of major replacements with a corresponding schedule of replacement reserve account deposits.
9. Budget: Annual projection of income, expenses, capital improvements, and reserve accounts.
10. Operating Policies and Procedures for the following management functions, at a minimum:
  - a. Admissions Policies: Income qualification procedures; tenant referral agreements if applicable; screening criteria, including procedures for individual assessment of applicants if applicable; and a copy of the lease or program agreement. Owners will provide notice of screening criteria as required by law. Except as required by federal law, criminal background checks are prohibited.
  - b. Rent: Rent collection, deposits, late payments, addressing damage to units, rent increases
  - c. Commitment to the City's Just Cause Eviction Ordinance.
  - d. If mutual termination agreements are used, a written policy must allow mutual terminations to be used only in circumstances when an eviction would otherwise be filed or if requested in writing or verbally by a tenant. OH will review the mutual termination policy as part of its review and approval of the management plans submitted by project owners.
  - e. Management of tenant files and records
  - f. Work order and Repair process
  - g. Unit turnaround: filling vacancies
  - h. Building security and emergency plan
  - i. Community education and involvement plan for addressing complaints or issues raised by tenants and neighbors about the building or tenants.

11. Management plans for special needs housing and housing with support services should also include the following:

- a. Description of service support program to be provided to tenant households including funding commitments and contracts.
- b. Identification of key staff roles and responsibilities related to service delivery including written agreements that describe relationships with other agencies.
- c. A description of any tenant referral arrangement required by operating and/or services funding, including participation in a coordinated entry system.
- d. For PSH or other housing with a homeless services funding contract, screening criteria consistent with service funder requirements.
- e. Involvement of tenants in project governance and house rules.
- f. Description of performance or outcome measures.

### **ii. Tenant Income and Rent Requirements**

Housing units are restricted to tenants who are income eligible at time of initial occupancy by the household, or at time of funding by the City, if later. Consistent with Program objectives and priorities, and affordability requirements to specific fund sources, housing units may be restricted to households with income up to 30%, 40%, 50%, 60%, or 80% of median income. Tenants must be income qualified prior to move in or prior to City funding for acquisition of occupied units. A maximum restricted rent is established for each housing unit, no higher than Affordable Rent for the income eligibility category and based on the number of bedrooms.

Where an occupied housing project that was not previously income and rent restricted by an affordable housing covenant is acquired or rehabilitated with Program funds, and rehabilitation does not require that existing tenants move out of units, OH may waive the unit affordability and occupancy restrictions for those units occupied by existing over-income tenants to allow for a turnover of units. The waiver will be limited to a specified period. At or before the end of the waiver period, over-income tenants should generally be relocated. If the project is income and rent restricted by an affordable housing covenant either previously or as part of the new financing, then the terms of the affordable housing covenant with respect to over-income tenants generally shall apply. OH reserves the right to allow an otherwise over-income household to return to their unit in order to avoid displacement of this household.

### **iii. Rent Increases**

Rents generally may be adjusted annually to the maximum allowable Rent based on number of bedrooms and affordability level. To avoid displacement of Low-Income tenants, owners should avoid sudden, sizable Rent increases that could cause undue financial hardship or displace residents, particularly for existing tenants immediately after rehabilitation or acquisition. If Rent

will increase as a result of acquisition and/or rehabilitation of housing, the initial post-rehabilitation or post-acquisition Rent increases for existing tenants will be subject to OH review to determine that Rent adjustments are reasonably necessary to ensure adequate project operating funds.

Tenants who are income-eligible at the time of their initial occupancy or the time of City funding, whichever is later, are not required to be relocated solely because their income later exceeds the restriction of their unit. However, upon recertification such over-income tenants may be subject to separate mandatory or optional Rent increases, as follows.

- The owner must charge the maximum restricted rent for the unit if a tenant's income surpasses 140% of the maximum income limit for that unit.
- For units with any federal operating subsidy, or occupied by a tenant using a rental voucher, the tenant may pay up to 30% of income for housing costs when the tenant's income exceeds the maximum income limit for the unit, consistent with requirements of the subsidy program and as approved by OH.
- For units that do not have any rent or operating subsidy, the owner is strongly encouraged to increase Rent to 30% of the tenant's income if 1) the tenant's income surpasses 140% of the maximum income limit for the unit and/or 2) the tenant's income surpasses 65% of Median Income.
- If an agreement with HUD requires a higher Rent for a Yesler Terrace Replacement Housing unit than this Section would permit, SHA may increase Rent for any tenant whose income exceeds the restriction of their unit (generally 30% of Median Income) up to the level required by HUD and as approved by OH.

All Rent increases are subject to other funder restrictions, and state and local law.

#### **iv. Floating Units**

OH may approve a "floating unit" regime that allows affordability levels in specific units to change so long as the total number of units at each affordability level in the development is maintained. In such cases, owners will be strongly encouraged to change the affordability level in a unit occupied by an over-income household when a unit at a higher affordability level becomes available in the building. The tenant will not physically move, but a lower affordability level will be assigned to the vacant unit, which would be made available to an income-eligible tenant.

#### **v. Special Populations**

Owners who have committed to serve specific populations, and who sustain a loss of services funding that affects service delivery to such populations, shall consult with OH concerning alternatives.



## **I. Project Monitoring**

Owners must report annually on the status of their projects each year by June 30<sup>th</sup>, or on an alternative date specified by OH upon reasonable advance notice. When possible, OH coordinates its monitoring, site visits and inspections with other funders to help reduce administration time and disturbance to residents. Owners will submit written reports on a combined funders' annual report form, and OH supplemental reporting forms.

### **i. Compliance and Performance Evaluation**

OH's compliance and performance assessments include, but are not limited to, the following compliance and performance areas. Additionally, project-specific requirements may be included in loan documents.

1. Sound borrower fiscal health: The project borrower and its general partner, managing member or other owner when applicable are in sound fiscal health.
2. Management Plan: The project is operated according to the owner's original or amended management plan for the property.
3. Affordability: The borrower must provide an annual report that demonstrates that tenant income determinations and rent levels complied with affordability requirements.
4. Affirmative marketing and nondiscrimination: The housing is affirmatively marketed, including advertisements that reach the general population and underserved groups; the population served is diverse; and the borrower can demonstrate nondiscriminatory treatment for all applicants and occupants, consistent with federal, state, and local fair housing laws and regulations.
5. Occupancy: The tenant family sizes are appropriate for the unit sizes and projects designed for particular populations are appropriately serving those populations with housing and, if applicable, services.
6. Unit turnover and vacancy: Affordable housing owners make good faith effort to turn over units in accordance with industry standards. Annual trends on vacancies will be monitored and reported at least annually to support policy and funding improvements. OH staff will monitor and work with property owners with high vacancies and/or slow turnover to resolve issues. Vacancy is tracked primarily through the Web-Based Annual Reporting System (WBARS), which is managed by the Washington State Housing Finance Commission and the Washington State Department of Commerce. OH staff will work in partnership with providers and other public funders to improve systems, data quality, and reporting, and will explore alternative methods for obtaining more frequent information on vacancies to identify and address any persistent unresolved issues for specific providers.

6. Physical conditions: The property must be maintained in good and tenantable condition and regularly repaired to ensure safe, secure and sanitary conditions. Spaces must be used for their intended purposes (housing units, common areas, storage, accessibility etc.). The project’s sustainable ‘green’ features are maintained and operating as designed.
7. Capital Needs Assessments/Life Cycle Cost Analysis: Long-term replacement needs and capital improvements are adequately planned for and completed on schedule according to capital needs assessment (CNA) schedule of replacements. Preventive maintenance and repairs are completed according to maintenance plan and schedule.
8. Sound project fiscal management: The project is operated according to sound fiscal management practices, and all reserves, taxes, utilities and debt service including any amounts due to the City are paid on schedule and reported as required.
  - a. Revenue management: The borrower collects rents in a timely manner and in a way that ensures adequate income to the property; ensures compliance with contracts for operating subsidy and rental assistance.
  - b. Expense management: The borrower manages expenses by re-evaluating and re-procuring goods and services from time to time.
9. Community relations: The housing project is a good neighbor, which is measured by good maintenance, street appearance, and responsiveness to neighborhood concerns and complaints.

#### **ii. Annual Performance Letters; Actions to Resolve Findings**

OH will provide performance letters each year to all borrowers specific to their projects that have at least one full year of operation. The performance letter will:

1. Summarize OH’s review of compliance and performance in the project monitoring areas described above;
2. Identify any instances of major or chronic non-compliance with terms of the loan agreement, subsidy contract or other loan documents (“Findings”);
3. Specify actions required to resolve Findings that must be performed and documented by the borrower by a certain deadline, and/or specify a date by which the borrower must submit a plan to resolve Findings for OH review and approval.

OH may accept, accept with conditions, or reject a proposed plan to resolve Findings. If a borrower’s plan includes a proposal for City funding, the borrower must make a significant financial contribution and satisfy all other requirements of Section G, above.

A borrower that disputes a Finding may submit a written protest to OH within 30 days of receipt of the performance letter. A protest must state the reasons why OH’s determination of Findings was unjustified, provide copies of any supporting documents, and include affidavits or declarations as to any facts rebutting the basis for the OH determination that are not established by other supporting documents. The Director or another OH employee designated by the Director shall make a written decision on a protest within 30 days of receipt. That decision shall be the final administrative decision of the City for purposes of determining whether a borrower is in “Good Standing” as described in Subsection I.iii.

### **iii. Good Standing**

A borrower is in Good Standing if (a) the borrower has no Findings identified in its most recent performance letter; (b) OH determines that the borrower has remedied all Findings in its most recent performance letter; (c) the borrower is diligently pursuing a plan accepted by OH to remedy Findings as promptly as feasible; or (d) the borrower’s timely protest of the Findings is upheld by OH. The borrower has the responsibility to provide timely documentation to OH to demonstrate that it has remedied Findings or complied with the terms and conditions of the OH accepted plan.

In January of each year, the Director may notify borrowers that OH has determined are not in Good Standing. A notice that a borrower is not in Good Standing shall identify the Findings that the borrower has not demonstrated as remedied, and/or the actions or conditions in the OH accepted plan that the borrower has not diligently pursued or satisfied. Such notice shall also state that the borrower and its Affiliated Entities are ineligible to apply for Program funding until after a determination of Good Standing in the following year.

No determination of Good Standing, or failure to make a Finding, or determination with respect to a finding, or acceptance of any plan to remedy Findings or actions thereunder, shall constitute a waiver or modification of any terms or requirements of loan documents or any other legal obligations of any borrower or other person, unless expressly so agreed in writing by OH. For example, OH may pursue remedies for any default under loan documents even though the default is not considered a Finding.

### **III. Operating, Maintenance, and Services Program**

The Operating, Maintenance, and Services (OMS) Program provides operating and services support for City funded PSH and housing affordable to households with incomes at or below 30% of Median Income. OMS funds are used to fill the gap between eligible operating, enhanced property management, and services costs, and project income from rent and any other subsidies. OH may make a contingent commitment of up to 20 years of OMS support, which assists owners to secure project financing.

#### **1. OMS Program Policies**

These policies apply to all initial commitments of 2023 Housing Levy OMS funds and annual renewals made under any of the Housing Levies, except to the extent there is a binding contract in effect providing that the City will renew an agreement on specific terms or the policies are inconsistent with a provision of a prior levy ordinance that is still in effect. These policies also apply to other local OMS investments, including JumpStart/PET and Local Option funds. If there are terms still in effect governing renewals in a binding contract, renewals shall be based upon the terms of the contract, except to the extent that OH and the project owner agree to substitute different terms consistent with these policies.

##### **A. Eligible Projects; Project Selection for Initial Commitments**

Rental projects funded with 2023 Levy Rental Production and Preservation funds are the only projects eligible for 2023 Levy OMS Program funding. Rental projects funded by City sources are eligible and prioritized for OH OMS funding from JumpStart/PET and/or other eligible sources. In addition, OH may use OH OMS funding to extend the contract of a project that received Operating and Maintenance (O&M) funding from a prior Levy if O&M funding provided by the prior Levy has been fully disbursed.

OH may issue a Notice of Funds Available (NOFA) for the OMS Program. Application requirements will be included in the NOFA.

The application review process considers the following project characteristics:

- The reasonableness of the proposed operating budget;
- The amount of operating and supportive service funds leveraged by the project;

- The experience and capacity of the owner in serving similar populations as well as the owner’s general affordable housing development and management experience;
- The adequacy of the management plan for the proposed tenant population and building;
- The scope of any rehabilitation and whether the work minimizes operating expenses;
- The adequacy of the maintenance plan in maintaining the building and preventing long-term maintenance problems; and
- The commitment and reasonableness of support services, if necessary, for the proposed tenant population.

## **B. Eligible Households**

To be eligible for OMS subsidy, units must be occupied by households with incomes at or below 30% of Median Income, and OH prioritizes OMS investments for PSH. Households must be income qualified prior to moving into the unit or at the time of funding for occupied buildings.

## **C. Funding Limits for Initial Commitments**

OMS funding is intended to be a gap subsidy that is combined with tenant paid rent and other OMS fund sources to cover building operating and services costs. In order to provide opportunities for as many projects as possible and meet Levy OMS goals, the maximum Levy OMS funding award is \$5,415 per unit per year, for the initial full year of occupancy. JumpStart/PET OMS funding awards will be awarded competitively and their funding level determined based on review of project OMS budgets and availability of other OMS revenue sources. Housing Authority voucher subsidy and OMS subsidy may be combined for the same project to increase the number of Extremely Low-Income units or to support PSH if additional operating subsidy is necessary to cover enhanced property management and services costs and no other fund source is available. Enhanced property management and services costs must be reasonable and necessary costs of operating the housing for the population to be served, such as 24-hour staffing or additional case management staff.

Projects will be eligible for annual increases in OMS subsidy, up to 4% annually, subject to OH approval and availability of funds, to help cover increases in the annual funding gap.

## **D. Rents and Occupancy**

Eligible households generally shall be required to pay 30% of monthly income for Rent. As part of the rent calculation, OH will allow adjustment of monthly income for certain allowable expenses as contained in 24 CFR Section 5.611. Owners may request alternate Rent schedules

to meet unique program objectives. For example, OH may permit exceptions if tenants are directing their income to other program goals such as education or saving for transition to permanent housing (e.g., first month rent, deposits). Specific program requirements will be outlined in subsidy contracts. Occupancy rates are expected to be maintained at 95% or better or a rate determined optimal for the specific project and housing program. Annual project budgets should reflect estimated rental income based on type of occupancy.

For housing units where Program funding is combined with other operating subsidy sources, household income shall be reviewed annually and the tenant's Rent payment may be adjusted by the owner, but may not exceed 30% of monthly income. For housing units where Program funding is the primary source of operating subsidy, OH may approve tenant-paid Rents no higher than the Affordable Rent for a household at 30% of Median Income. If a household's income changes prior to the annual review (due to loss of a job, addition of a household member, death of a household member, etc.), Rents can be adjusted.

Some households may have little or no income when first moving into -subsidized housing. In these instances, the housing provider may allow the minimum tenant share of income paid for Rent to be waived or reduced until the household qualifies for public assistance or becomes employed. Owners must include any plan to temporarily reduce the share of tenant income required for Rent in their application and must demonstrate that the housing units will be financially viable.

## **E. Management Plan**

A management plan is required for each application for OMS subsidy. The plan must be consistent with Rental Housing Program policies and local laws and regulations.

## **F. Maintenance Plan**

Each project must have a maintenance plan that describes how the building will be managed and maintained. It should describe the acceptable standard for each room, common space (hallways, stairs, lobby), building systems and exterior. The Plan should include a schedule for inspections and regular and preventive maintenance of the building. The plan must also describe how long-term replacements and maintenance will be accomplished.

## **G. Operating Budget and Use of Funds**

Each year, owners with OMS (or predecessor O&M) subsidy contracts will be invited to apply for an annual renewal of subsidy. Applicants will submit an actual financial statement for the previous year and a proposed operating budget, in the required format, based on the actual expenses from the previous 12-month period plus a reasonable adjustment for inflation. The budget and the annual award follow the City's fiscal year, which begins January 1, unless OH allows an alternate subsidy period.

Eligible uses of OMS subsidy include operating expenses attributable to OMS-supported units:

- **On-Site Management:** Operations, maintenance, and services costs directly associated with operating the building and providing services to residents. This includes on-site management salaries, benefits and personnel costs, and increasing worker wages to improve employee recruitment and retention; utilities; contracted building services such as elevator, pest control, landscaping, fire safety, security; repair and maintenance expenses such as materials, janitorial services and supplies, unit turnover costs and other repairs. Enhanced property management costs directly related to managing OMS-funded units, including, to the extent they are reasonably necessary, costs of operating the housing for the population the owner has committed to serve (e.g. 24 hour resident services staffing).
- **Off-Site Management:** Property management, supportive services, and personnel costs directly associated with operating the building.
- **Administration:** Property taxes, insurance, legal, marketing, accounting, financial statements and audits, and other costs directly associated with administration in the building.
- **Replacement and Operating Reserves:** Replacement reserve deposits are an eligible operating expense. OMS funds can be used to fund replacement reserves to a maximum set by OH, with disbursements from reserves restricted to repairs and replacement of major building components as approved by OH. The amount added to the reserve will be based on OH loan conditions and periodic Capital Needs Assessments to be prepared by owners.

Operating reserve deposits to cover unforeseen operating costs are an eligible expense. The operating reserve account is considered adequate when the balance is equal to 50% of the annual operating budget. The operating reserve may also be used to pay for building improvements that cannot be entirely funded by the replacement reserve. As part of the management plan, each owner must provide their policy and procedures for managing reserve

accounts. The requirements and limits on replacement and operating reserves for specific projects may be adjusted periodically by the Office of Housing based on a review of the capital needs and operating risks of projects and of other public funder standards.

The program will not subsidize debt service. OMS subsidies may be provided to a portion of units in a mixed-income project that has debt service, provided that all debt service costs are carried by the income from the non-OMS supported portion of the building and the building owner demonstrates a shortfall between income and expenses attributable to the OMS supported units. OMS subsidy will not be granted to support a shortfall on the non-OMS supported portion of the building.

## **H. Subsidy Term**

Levy OMS awards have a maximum contract term of 20 years from the date that the OMS units are complete and occupied. OMS contracts funded by JumpStart/PET, Local Option, and other local fund sources are expected to renew annually as long as revenue is available. Subsidy is subject to availability of funding and to annual reviews that may result in adjustments to subsidy amounts or discontinuance of subsidy, at the discretion of OH. For example, subsidies may be reduced or discontinued if increasing revenues from other housing units, commercial space, or alternative subsidy sources are available to a project, or if shortfalls in funding resources require OH to prioritize other OMS-eligible projects.

OMS contracts may provide that if, during the term of commitment for OMS subsidy, the subsidy is discontinued or reduced, and if the owner therefore cannot meet operating expenses of the OMS units with rents affordable to Extremely Low-Income households, the owner may rent the units to any Very Low-Income households who can pay rents sufficient to cover operating costs of the units, but not to exceed Affordable Rents for Very Low-Income households. The owner must prepare a plan acceptable to OH prior to any change in occupancy or program focus. The plan must give preference to the lowest income households who can pay such rents. The foregoing is not intended to supersede or conflict with the requirements of any covenants or regulatory agreements applicable to the property.

## **I. Expiring 1986 and 1995 Levy O&M Contracts**

For most of the properties supported by 1986 and 1995 Levy O&M Program funding, the initial program contracts have expired and owners have received contract extensions. OH may continue to grant extensions to expiring O&M subsidy contracts originally funded under the 1986 and 1995 Housing Levies, provided there are available funds in the 1986 and 1995 Levy



O&M program reserves or from JumpStart/PET or other local funds. Projects will be required to demonstrate:

- Need for continued subsidy.
- Housing meets current City housing priorities.
- Project meets applicable performance measures and housing outcomes.

## **J. Annual Reviews**

OH will conduct financial, management, operations, and maintenance reviews of projects receiving subsidy each year. OH will determine the subsidy amount on a year to year basis for the term of the contract.

For the annual review, the owner must provide:

- An annual report according to the terms of the OH loan agreement.
- Operating Budget projected for the next year based on current year ‘actuals.’
- An actual financial statement for the project compared with the operating budget. The statement must include cumulative balances for replacement and operating reserves.
- Audit, if applicable, in a form acceptable to OH.
- Tenant Rent Roll including household incomes and rents charged for each unit.
- Capital Needs Assessment updates and details on major repair and maintenance work planned for the next year, if any, including an estimate of the work and source of funds.
- Examination of services outcomes and copies of service contracts.
- A narrative report explaining how the subsidy received in the prior year and the subsidy requested for the next year will allow the owner to meet its commitment to serve Extremely Low-Income households.

## **K. Subsidy Payments and Adjustments**

OMS subsidy will generally be paid to projects on a quarterly basis. The amount and the conditions for providing subsidy will be negotiated between OH and the owner, and established in an annual contract amendment. The amount of subsidy paid each quarter will depend on the operating budget and cumulatively cannot exceed the approved annual amount. Owners will be required to provide quarterly financial reports. Owners may request subsidy readjustment at any time; however, except for unusual circumstances, OH will review just one adjustment request per project annually.

Increases to the subsidy amounts prior to the annual review will only be made when it is determined by OH to be reasonable due to unforeseen circumstances and only if in the judgment of OH, there are sufficient uncommitted OMS funds to provide an increase.

A project that is showing a surplus at the end of the year may be required to make repayment to OH or make additional contributions to replacement reserves in the amount of the surplus.

## **2. Permanent Supportive Housing Operating, Maintenance, and Services - Workforce Stabilization**

PSH staff play a critical role in meeting resident needs, thereby supporting the success of PSH developments and the long-term sustainability of capital investments made by the Office of Housing. However, PSH organizations experience a high volume of staff vacancies due to low wages and challenging working conditions. The PSH OMS Workforce Stabilization (PSH OMS – WS) fund uses both Levy and JumpStart/PET funds to invest in the City’s PSH portfolio to ensure the most vulnerable remain housed and adequately supported, and those working with them are also supported, including with sustainable wages and working conditions.

### **A. Eligible Use of Funds**

Eligibility for PSH OMS – WS is limited to a specific set of PSH buildings, as determined by the Office of Housing. The list is updated periodically. These properties operate at least 16 units of PSH and demonstrate need for OMS and workforce stabilization funds to support their residents, staff, and buildings.

### **B. Eligible Costs**

Eligible costs for the PSH OMS-WS Fund are:

- Workforce wages and benefits, including on-site front-line workers, case managers, front desk staff, janitorial, maintenance, and the first line of supervision, including new positions that directly serve residents
- Deferred maintenance and other capital needs
- Replacement reserve deposits
- Reasonable organizational, staffing, and program expenses to support the operation of PSH
- Administration costs (10% of the total award), including overhead and indirect costs

### **C. Program Requirements**

Funding recipients must be nonprofit, 501(c)(3) permanent supportive housing providers who demonstrate a need for workforce stabilization funding. Eligible organizations receive ongoing annual funding to fulfill a 5-year spending plan, pursuant to funding availability. A larger percentage of the funding over the 5-year timeframe should go towards staffing expenses relative to other eligible costs and administration expenses.

Selected organizations may distribute funding across their portfolio of eligible PSH buildings as they see fit, in consultation with their OH contract monitor. There is no cap for spending per building, as building needs vary depending on a myriad of factors.

### **D. Program Reporting**

Annual reporting on PSH OMS – WS to be included in the OH Annual Report submitted to City Council should include the following:

- Information about organizations supported and their level of support
- General information about the types of staff and services supported by the funds
- The number of supported PSH staff over the reporting period
- Information on PSH staffing levels, including position openings rates and staff turnover
- Information on PSH staff wages

## **3. Resident Services**

The Resident Services Program uses Levy Homelessness Prevention and Housing Stability Services funds and JumpStart/PET funding to assist affordable housing providers to offer resident services that support the housing stability and physical, emotional, and financial well-being of residents of non-Permanent Supportive Housing. Services should respond to residents' needs, be culturally responsive, and incorporate best practices in service delivery, thereby improving housing stability and contributing to positive and equitable resident outcomes. Funds are awarded through a periodic competitive process.

### **A. Eligible Households**

Staff and expenses supported with Resident Services funding should prioritize services that benefit households with incomes 30% of Median Income or below.

## **B. Eligible Use of Funds**

Program funds may be used for:

- Programming costs, including rental assistance, resident engagement activities and supplies, resident translation services, and data collection
- Resident services staff wages and benefits
- Staff training
- Reasonable organizational, staffing, and program expenses directly associated with providing resident services
- Administration costs (10% of the total award), including overhead and indirect costs

## **C. Program Requirements**

Funds will be administered by nonprofit 501(c)(3) affordable housing providers who currently provide, or who demonstrate an ability and intent to provide, services to residents of non-PSH buildings that:

- Are designed to promote resident physical, emotional, and financial well-being;
- Meet residents' needs and fill gaps in services identified through data collection and resident engagement
- Address racial disparities with low barrier, accessible, and culturally responsive services
- Incorporate best practices through a framework in which participation is voluntary
- Are cost-effective
- Incorporate progressive data collection monitoring to allow for measurement of outcomes

## **D. Program Reporting**

Contractors will provide annual program reports to OH with information to be included in the Housing Levy annual report due to the City Council no later than June 30 of each year. The report will include but not be limited to:

- Contracts issued, buildings and units supported, and their funding level
- Number of resident services full-time equivalent (FTEs) supported and number of new FTEs hired during reporting period
- Combined staff hours of services provided

- Number of households served
- Description of and other detail about services provided

## **4. Supplemental Operating Support for Organizational Stabilization**

Housing providers have faced numerous challenges and difficult conditions in recent years, including increased operating expenses and lost rent revenue. Low-Income affordable housing residents are struggling with lingering impacts from the COVID-19 pandemic, increases in the cost of living, and lost earnings, affecting their ability to pay rent. These circumstances are compounding to affect affordable housing providers' ability to sustain operations on already very tight margins. To support operations of the City-funded affordable housing, OH may offer limited, temporary funding from JumpStart/PET funds awarded through periodic competitive processes with distinct application requirements. OH may further define organizations eligible to receive such funds based on factors including, but not limited to, the number of units or buildings with or without current City investment in an organization's housing portfolio, the bedroom size and/or income restrictions of units in an organization's eligible portfolio, the demographic characteristics of residents in an organization's eligible portfolio, the type of housing or services provided in an organization's eligible portfolio, the financial situation of organizations and the buildings they operate, and/or organizational incorporation status.

### **A. Eligible Households**

If funding for rent assistance is allowed through program funding of this type, it must directly benefit households with incomes up to 30% of Area Median. All other funding must indirectly benefit households with incomes up to 60% of Area Median. Examples of uses that may indirectly benefit households include, but are not limited to, maintenance, capital costs related to unit turns, unit repairs, deferred maintenance, and repairs of major building systems.

### **B. Eligible Costs**

Eligible costs for Supplemental Operating Support for Organizational Stabilization include, but are not limited to:

- Rent arrears (consistent with the policy regarding eligible households)
- Rent assistance (consistent with the policy regarding eligible households)
- Incentives/strategies to encourage on-time rent payments
- Staffing for security and/or maintenance, janitorial, cleaning contractors

- Building maintenance and/or janitorial supplies or equipment
- Facility repairs, property damage, and remediation
- Deferred maintenance
- Deferred replacement reserve deposits
- Other capital needs
- Insurance costs
- Administrative expenses (direct and indirect capped at 10%-or federally approved indirect rate)
- Other operating costs (as approved)

### **C. Program Invoicing and Reporting**

Invoicing and reporting will take place quarterly. Invoices must include supporting documentation of expenditures such as copies of general ledgers or rent ledgers. OH staff may request additional supporting documentation to verify costs as needed. OH will work with each recipient organization to ensure appropriate attribution of costs. Following this verification process, OH will finalize and release payment. Each invoice should be accompanied by a quarterly report documenting rent arrears and rent assistance expenditures. Reports must include demographic information for any households receiving assistance, household income data, amount paid, and the months of assistance provided including the timeframe that the payment covers. OH may request additional narrative to describe how program services address resident needs. Information about use of funds will be included in annual reports to City Council.

## IV. Homeownership Program

The Office of Housing uses funds from various sources to help create affordable homeownership opportunities for Low-Income homebuyers in Seattle. The following program policies apply to funds awarded by OH for homeownership, including 2023 Levy Homeownership Program funds, 2016 Levy Homeownership Program funds, 2009 Levy uncommitted Homebuyer Assistance Program funds; funds received through JumpStart/PET, MHA, and land use code provisions; program income and investment earnings derived from Housing Levies and other OH-administered homeownership fund sources, subject to the limitations described in Chapter I.

### 1. Homeownership Program Objectives

The Program assists Low-Income homebuyers to purchase a home in Seattle. The following objectives are variously met through two basic models of assistance: subordinate mortgage loans, also known as down payment assistance; and acquisition or development subsidy, which increases the supply of Resale Restricted Homes affordable to the initial and successive homebuyers.

The following objectives guide the Program:

- Enable qualified Low-Income families and individuals to become homeowners and achieve housing stability and other benefits of homeownership with a focus on those at risk of displacement from their communities or who have faced barriers to equitably accessing homeownership in all parts of Seattle due to discriminatory policies and practices, such as redlining, mortgage lending discrimination, or restrictive racial covenants.
- Promote socioeconomic diversity among homeowners in Seattle neighborhoods.
- Create an ongoing resource to assist future Low-Income homebuyers through either resale restrictions that will maintain an affordable home price or loan repayment terms that will generate Program Income with which to assist future homebuyers or other Low-Income households.
- Promote the expansion of programs that achieve long-term homeownership affordability.
- Increase the supply of for-sale housing affordable to Low-Income homebuyers.
- Combine with other sources of homebuyer assistance funds (Washington State Housing Finance Commission, State Housing Trust Fund, Federal Home Loan Bank, etc.) to leverage City dollars and capitalize on existing service delivery systems.

- Promote homebuyer education as a best practice by requiring households using City homebuyer assistance to complete a pre-purchase homebuyer education program.
- Promote a mix of unit sizes and amenities to accommodate families, including large families, for new construction projects.

## **2. Homeownership Program Policies**

### **A. Eligible Use of Funds**

Housing Levy funds may be used for any of the following, and other Program funds may be used for the following to the extent authorized for the fund source used:

1. Subordinate Mortgage Loans: Also known as down payment assistance or purchase assistance, loans to assist eligible homebuyers by filling all or part of the gap between the cost to purchase an eligible home and an affordable first mortgage amount plus the buyer's down payment.
2. Development Loans for Resale Restricted Homes: Loans to assist qualified developers to acquire or develop homes to be sold to eligible homebuyers. Such homes are resale-restricted to preserve affordability, and to limit resales to successive Low-Income homebuyers.
3. Short-Term Loans: Short-Term loans may be made to purchase land or building(s), or for construction purposes. All Short-Term Loans are intended to be repaid with permanent financing and may total more than the maximum per unit award as described in Section D.v.3 below.

### **B. Eligibility Requirements**

#### **i. Homebuyer eligibility**

Homebuyers must generally be First Time Homebuyers with household incomes at or below 80% of Median Income, adjusted for household size. First Time Homebuyer is defined in Chapter XI. If OH awards funding from a federal source that employs a different definition of First Time Homebuyer, that definition will be used in the funding award and other contractual documents. Homebuyers who have owned a home that was Resale Restricted as defined in Section 2.D of this chapter are not subject to the First Time Homebuyer rule provided a Resale Restricted home is their only current or prior home. Homebuyers who are exempt from the First Time Homebuyer rule for this reason must still meet all other eligibility requirements, such as



maximum household income, asset limits, minimum contribution, and minimum housing payments.

The first mortgage, or share loan in the case of cooperative housing, or other financing that the homebuyer uses to purchase the home is subject to OH approval. Homebuyers may use any first mortgage product approved by OH, including FHA and Fannie Mae products, and portfolio loans.

Homebuyer households must successfully complete a pre-purchase homebuyer education program and one-on-one homebuyer counseling conducted by an OH-approved agency. A homebuyer purchasing a Resale Restricted Home developed using financing from OH is ineligible for a subordinate mortgage loan from OH, but if the developer takes a subordinate mortgage as seller financing, OH may require that it be assigned to the City either absolutely or as security for repayment of a City loan to the developer.

#### **ii. Homebuyer contribution**

Homebuyers must provide a minimum of \$2,500 or 1% of the affordable purchase price, whichever is greater, of their own funds toward the home purchase, except as provided in this paragraph. The homebuyer contribution must include all liquid assets, except that the homebuyer may retain \$15,000 or six months of housing payments, whichever is greater. Homebuyers may receive gifts of funds towards their portion of the down payment; however, gifts must not exceed 25% of the homebuyer's total down payment requirement. Homebuyers may provide a lower financial contribution as follows: (1) for eligible buyers participating in an OH-approved, nonprofit-sponsored, sweat equity housing program that requires significant participation by the homebuyer, the homebuyer's contribution of volunteer time may be accepted in lieu of the minimum cash contribution; and (2) for eligible buyers who have a long-term disability and whose household income includes SSI or similar public income support, gifts may constitute up to 75% of the homebuyer's total down payment requirement.

#### **iii. Minimum housing payment**

The homebuyer's annual housing payments as projected, subject to OH approval, prior to closing of the purchase, shall not be less than 25% of the household's annual income. Housing payments include principal, interest, property taxes, homeowner's insurance and, if applicable, homeowners association dues or lease payments, and do not include utility payments. A homebuyer with sufficient liquid assets so that, after the required down payment, the mortgage financing needed on normal terms would result in housing payments below 25% of household income, generally would not be eligible, including for subsequent purchases of a Resale Restricted Home.

#### **iv. Property requirements**

All types of for-sale units are eligible for funding consideration, including single-family residences, condominium units, limited equity cooperatives, co-housing, and homes on leased land. Homes must be located in Seattle and have a purchase price no greater than a maximum amount established by OH and published annually. Properties must be the homebuyer's principal residence and remain owner-occupied through loan maturity or payoff. The Director may waive the owner-occupancy requirement for a limited period of time under certain circumstances, such as military service. Purchases of properties for investment are not allowed under this program. Homes with an accessory dwelling unit are eligible, provided that the buyer will be an owner-occupant of the home. A lease-to-own contract or long-term lease may be considered a purchase.

### **C. Subordinate Mortgage Loans**

#### **i. Amount of assistance**

Assistance to enable homebuyers to purchase a home will be limited to gap financing of homebuyers, up to a maximum of \$80,000 for any assisted household. "Gap" is defined as the difference between the cost to purchase the home and the buyer's down payment plus an affordable mortgage amount for the homebuyer. Generally, an affordable mortgage is one that results in total housing payments in the range of 25% to 35% of the household's income, depending on the buyer's individual circumstances. OH will establish the gap formula used by homebuyer agencies receiving program awards, and will review the gap analysis for each individual loans for compliance with these policies and requirements published in a NOFA.

#### **ii. Loan Terms**

Proceeds of subordinate mortgage loans may be applied to purchase price, closing costs, counseling fees, and interest rate write-downs of the first or subordinate mortgages. Subordinate mortgage loans will generally be 30-year deferred loans. Loan repayment terms shall specify the interest rate, which generally shall not exceed 3% simple interest; loan term; period of payment deferral; and any contingent interest or share of appreciation, which may be reduced and/or eliminated over time. The terms of the subordinate mortgage loans shall provide that the entire principal balance is due upon sale, other transfer or refinancing of the home, at the lender's option, to the extent permitted by applicable law. However, OH may permit assumption of the loan by another eligible buyer household in lieu of repayment and may subordinate its deed of trust or other security to substitute senior loan financing.

### **iii. Notice of Funds Available**

OH will provide subordinate mortgage funds via a qualified homebuyer assistance agency. This agency will be responsible for affirmative outreach, identifying and screening potential borrowers, and submitting borrowers' loan packages to OH for approval. OH will issue a Notice of Funds Available (NOFA) periodically as needed to solicit applications from such agencies. The NOFA will provide application requirements, applicant eligibility criteria, details on specific fund sources available, application forms, and deadlines. OH may allow minor deficiencies to be corrected and clarifications to be made by applicants during the review process. Otherwise, incomplete applications will not be considered for funding. The applicant and Affiliated Entities must be in Good Standing on all existing loans, program agreements and contracts administered by OH as defined in Section G below.

## **D. Development Loans for Resale Restricted Homes**

### **i. Resale Restricted Homes**

Program funds may be used to assist in the Site Acquisition and/or development of land and homes to be sold to eligible homebuyers as Resale Restricted Homes. "Resale Restricted Homes" are homes that are subject to recorded restrictions intended to require that, for a period of at least 50 years, upon resale, the homes must be sold to eligible homebuyers at a sales price that is likely to be affordable to a Low-Income homebuyer. Resale restrictions must be in the form of a ground lease, covenant, or other recorded document approved by OH and include the option to purchase by the beneficiary of the covenant. The applicant's methodology for establishing maximum initial and resale prices is subject to approval by OH.

### **ii. Initial Purchase Price and Resale Price Formula**

The Initial Purchase Price and the formula to be used to determine resale price limits are subject to OH approval. The "Initial Purchase Price" is the value that will be entered into the instrument restricting the resale price and is the value to which the resale formula will be applied. The Initial Purchase Price and the resale price limit may exclude or provide adjustments for subsidies to the buyer or junior mortgage financing that is subject to forgiveness or may be assumed upon resale. The terms of any junior mortgages and/or other subsidy shall be subject to approval as well as their potential impact on current and future affordability. OH may provide development subsidy to allow for an Initial Purchase Price to be affordable to households with incomes between 65% and 75% of Median Income to improve the likelihood that homes will continue to be affordable to income-eligible homebuyers for a minimum of 50 years.

The applicant must demonstrate that the Initial Purchase Price is affordable at an income level approved by OH and the resale formula is likely to keep the home affordable to Low-Income

households at subsequent resales over the course of the affordability period. Generally, an affordable price is one that results in total housing payments in the range of 25% to 35% of the household's income. OH will assess the affordability of the Initial Purchase Price assuming the minimum required homebuyer contribution and a household size equal to the number of bedrooms plus one. OH may allow or require exceptions to the assumed household size, for example for shared housing or limited equity cooperatives. Other assumptions used to determine the Initial Purchase Price, including but not limited to housing payment ratios, interest rates and property taxes, are subject to OH approval.

The resale price formula shall be applied to the Initial Purchase Price and shall establish restrictions on future purchase prices in order to provide for continued affordability to Low-Income homebuyers over a reasonable range of future changes in median incomes and interest rates. The resale price formula may allow for limited annual increases in resale prices, generally between 1% and 3% per year, with possible adjustments based on junior financing terms as described above or others approved by OH.

### **iii. Financing**

Assistance shall generally be in the form of long-term financing. Long-term assistance shall generally be made available through 0% to 1% interest loans with payments deferred for 50 years. Short-term acquisition funding shall generally be through the Short-Term Loan Program.

### **iv. Eligible and ineligible costs and activities**

Program funds shall be used for costs associated with Site Acquisition and/or development of Resale Restricted Homes. Funds may be used to finance entire developments, individual units, or residential portions of a development.

Eligible costs include but are not limited to:

- Appraisals
- Architectural/ engineering fees
- Closing costs
- Construction
- Contingency
- Counseling fees
- Developer fees
- Environmental Assessment
- Financing fees
- Hazardous materials abatement
- Insurance
- Interest
- Inspection and survey
- Option costs
- Permits
- Reimbursement of Pre-Development costs\*
- Professional Fees
- Purchase price
- Relocation
- Title insurance

\*Funding for Pre-Development through the Homeownership development loans is primarily intended to support projects developed by small, community-based non-profit housing developers who have barriers to accessing other sources of Pre-Development funding. All nonprofit borrowers are encouraged to use other cost-effective sources for Pre-Development funding, including private loans.

Program funds may be used to fund housing units, residential spaces, and common areas to the extent they serve the low-income housing and not other uses. Program funds can be used for projects that combine affordable Resale Restricted Homes with market-rate housing and/or commercial or other nonresidential spaces. However, costs associated with market-rate housing and commercial spaces are not eligible for Program funding.

Borrowers must demonstrate that proposed uses of Program funding are attributable to eligible residential spaces only and that costs of other parts of the project are paid by funds eligible for that purpose. Where it is impractical to segregate costs between Program-funded units and other portions of a mixed-use or mixed-income project, the Director may permit such costs to be pro-rated between Program funding and other funding sources based on a reasonable formula. The Director may set standards for a bedroom for the purposes of OH funding amounts and setting initial purchase prices.

## **v. Project requirements**

### **1) Eligible borrowers**

An eligible applicant and/or proposed borrower must demonstrate the ability and commitment to develop, sell and steward affordable homeownership units, including a stated housing mission in its organizational documents. OH will evaluate the experience of an applicant's development team, management team, Executive Director, staff, and Board of Directors (if applicable) to determine if there is sufficient capacity to sustainably develop, own and steward affordable homeownership units on a long-term basis.

Applicants that lack direct experience in these areas may demonstrate capacity by partnering with an entity or entities that provide essential expertise to the project. In these cases, OH will evaluate the proposed partnership to ensure it meets the needs of the project and is sustainable for an appropriate length of time. The applicant, proposed borrower, and all Affiliated Entities of each of them (whether or not involved in the proposed project) must be in Good Standing on all existing loans and contracts administered by OH, as defined in Section G below.

Eligible applicants and borrowers are:

- Nonprofit agencies with charitable purposes. Private nonprofit agencies will be required to submit articles of incorporation and an IRS letter as proof of nonprofit status.
- Any corporation, limited liability company, general partnership, joint venture, or limited partnership.
- Public Development Authorities.
- Seattle Housing Authority, except that funds for housing developed at Yesler Terrace must be consistent with the Yesler Terrace Cooperative Agreement.
- Private for-profit firms.

## **2) Stewardship**

Eligible borrowers will be, or will have under contractual obligation satisfactory to OH, an organization with sufficient capacity and experience, as determined by OH, to consistently and satisfactorily conduct the following activities to ensure ongoing affordability of Resale Restricted Homes and support homeowner success for the period of the Loan or covenant, whichever is longer. These requirements will be further articulated in loan agreements, funding agreements, program agreements and/or covenants executed with eligible borrowers and/or partner organizations.

At a minimum, stewards of Resale-Restricted Homes must:

- Confirm compliance with owner-occupancy requirements, and report to OH on an annual basis, using a methodology and form satisfactory to OH.
- Facilitate resales of Resale-Restricted Homes by calculating and clearly communicating with homebuyers the maximum price for which they can sell their home, conducting consistent outreach to create and maintain a pool of interested, eligible, qualified homebuyers, establish and maintain relationships with mortgage lenders and other real estate transaction professionals so that homebuyers can access first mortgage financing, establishing policies and procedures that sufficiently manage corrections of any deferred maintenance so that new homebuyers purchase homes in good condition.
- Clearly and consistently communicate to applicants, homebuyers and homeowners, program and/or funding requirements and restrictions and how to comply. This may be in the form of annual letters, blog posts, regular emails, or drafting, maintaining, and distributing a program manual. Communication should address key topics such as the resale formula, maintenance and repairs, the owner occupancy requirement, refinancing

provisions, and the resale process. Such information should be shared with homeowners annually at a minimum. Staff should also be available to respond to inquiries.

- Monitor homeowner mortgage, HOA and insurance payments. Make multiple, proactive attempts to contact homeowners who fall behind and connect homeowners with any needed resources or other support.
- Support owners to create and sustain legally necessary Homeowner’s or Condominium Associations.

Additional best practices might include; assisting HOAs and/or property management contractors to monitor and plan for maintenance needs that impact multiple units, such as roof replacement for attached homes or elevator inspections in a stacked flats community; post-purchase support to homeowners e.g. financial counseling and home maintenance and repair workshops; hosting community events to build relationships between neighbors and encourage HOA participation; holding on-site office hours for homeowners who may have questions about resales, repairs, neighbor relations or other matters.

### **3) Maximum amount per unit, and cost-effective investments**

The City will award up to \$100,000 per unit for studio homes, \$120,000 per unit for one-bedroom homes, \$140,000 per unit for two-bedroom homes, \$170,000 for three-bedroom homes and \$180,000 for homes with four-bedrooms or more. This maximum amount does not include the cost of land. This maximum can be exceeded on a temporary basis when other short-term loans are outstanding. At the discretion of the Director, OH may exceed these per unit caps in the instances of conversion of rental housing to homeownership, as contemplated in Chapter V of these Housing Funding Policies. Land acquisition costs are expected to be funded by JumpStart/PET for a total of up to \$10 million over the seven years of the 2023 Seattle Housing Levy. If the full \$10 million is not needed for land acquisition, those funds will be directed back to development subsidy for permanently affordable for-sale homes.

The City strives to leverage non-City resources for capital to the greatest extent possible. Borrowers are expected to maximize other capital resources to help ensure that the greatest number of quality affordable homeownership units are produced, taking account of policies and factors affecting cost, including family-sized units.

Proposals for quality affordable housing must demonstrate a cost effective, sustainable investment of public funding. Minimum requirements for cost-effectiveness may be set in the NOFA.

#### **4) Additional policies**

Development projects must also comply with the following policies contained in Chapter X, General Policies for Capital Development, where applicable:

- Community Relations
- Relocation, Displacement, and Real Property Acquisition
- Affirmative Marketing (applies to projects where developer is selling units to homebuyers)
- For projects involving construction, Fair Contracting Practices, WMBE Utilization, and Section 3

Additional requirements apply to fund sources other than the 2023 Housing Levy, including federal requirements for HOME and CDBG funds. Applicants should contact OH to determine applicable policies.

#### **vi. Proposal review and project selection**

##### **1) Notice of Funds Available**

OH will issue a Notice of Funds Available (NOFA), contingent upon available resources, at least once per year, which will provide application requirements, application forms, and deadlines. As provided in Chapter VIII, OH may separately announce funding available for affordable housing development on a publicly owned site. In addition, OH may separately review and approve applications for funding for housing developments at publicly owned sites consistent with Council-approved redevelopment plans. OH may expend funds directly on the lease, acquisition, maintenance, or management of publicly owned sites, and on due diligence, including third-party reports, separate from a funding award for development of affordable housing. Applicants and Affiliated Entities must be in Good Standing on all existing loans, program agreements and contracts administered by OH as defined in Section G below.

All applicants are required to attend a project pre-application conference with OH staff prior to submitting an application. OH may allow minor deficiencies in funding applications to be corrected and clarifications to be made by applicants during the review process. Otherwise, incomplete applications will not be considered for funding.

OH strives to ensure fair contracting methods and competitive pricing in the construction of affordable housing. OH may include minimum construction requirements in the NOFA, including but not limited to standards around selection of contractors, contracting and project management capacity. Borrowers are responsible for the compliance of all documents, plans



and procedures with all applicable laws, regulations, codes, contracts, and funding requirements.

Other information may also be requested or required in the NOFA, including but not limited to project description, borrower capacity to develop, own and steward permanently affordable homeownership units, buyer profile, evidence of site control, appraisal, and community notification.

## **2) Proposal review**

Funding applications are reviewed and evaluated in detail by OH staff based on the requirements listed in this Section and additional criteria published in the NOFA. OH staff works closely with the other public funders that have been requested to fund each project.

When projects have been evaluated, staff makes funding recommendations to the Director. The Director, whose decisions on funding shall be final, shall make funding awards based on the merits of the proposed projects; the projects' strengths in meeting the objectives and priorities stated in applicable plans and policies and the NOFA; the capacity of the applicant to attain and sustain long-term homeownership affordability and other factors as detailed in the NOFA or offering documents.

## **3) Fund award**

The Director authorizes a fund award for each selected project, which provides information about fund source requirements, funding levels, and conditions that must be met prior to closing. Fund awards are not binding on the City until final loan documents are signed by both the Director and the borrower.

The Director may reduce or revoke funding to any project for several reasons, including, but not limited to, failure to meet funding conditions; decrease in costs from the preliminary cost estimate submitted in the application; failure of the applicant to obtain other funding; noncompliance by the applicant with City policies; determination of inaccuracies in the information submitted; increased costs or other factors affecting feasibility; failure to begin construction within a reasonable timeframe; results of environmental or other reviews; changes in the Good Standing of the applicant, borrower, or Affiliated Entities; or failure to the applicant to agree to loan conditions.

#### **4) Loan conditions**

Loan conditions, including but not limited to repayment, covenant terms, interest rate, extensions and/or deed of trust will be covered in the NOFA, other offering documents and/or in loan documents.

A covenant or other acceptable legal restriction, such as a ground lease, will be recorded against the property that makes the units funded by the City Resale Restricted Homes. Unless otherwise agreed by the Director, the restriction shall continue in effect if the loan is repaid or discharged before the maturity. The Director may release the restriction, wholly or in part, if there is recorded a substitute covenant or other legal restriction such as ground lease at the time homes are sold to eligible homebuyers so that they are Resale Restricted Homes. The Director also may release the restriction, wholly or in part, in connection with a sale of the property approved by the Director, including any foreclosure, if the Director determines that under all the circumstances, including any proposed substitution of other units, the release will likely result in a net benefit to the City's efforts to achieve low-income housing goals, compared to maintaining the covenant.

### **E. Short-Term Loans for Resale Restricted Homes**

#### **i. Purpose**

OH may provide acquisition or construction loans, in excess of the maximum amount per unit as articulated above in Section 2.D.v.3 of this Chapter as short-term financing in certain cases, to assist in the development of projects that would further the objectives of the Program. The total amount of Short-Term Loans outlays at any one time, assuming the City exercises the option and any others in effect, will be dictated by actual available funding and budget authority. OH Homeownership Program staff will consider potential future limits on outstanding Short-Term Loans based on utilization of this funding in the early years of the 2023 Levy period. Repayments on Short-Term Loans and any interest will be allocated to the subfund from which the loan was made.

#### **ii. Eligible uses**

Short-Term Loans can only be used for eligible expenses per Section 2.D.iv of this Chapter to assist in the production or preservation of Resale Restricted Homes. Once completed, the housing development must provide affordable housing consistent with Homeownership Program policies.

### **iii. Notice of Funds Available**

OH will issue a Notice of Funds Available (NOFA) and may consider applications on a rolling basis. Application materials will be substantively similar to those of the Homeownership program. A pre-application meeting is required before applying for any short-term loan.

### **iv. Proposal review and project selection**

Staff will underwrite projects applying for short-term loans as if they are requesting development subsidy.

### **v. Eligible borrowers**

To be eligible for a Short-Term Loan, the applicant must: meet the requirements as articulated in Section 2.D.v.1 of this Chapter, have successfully developed and stewarded at least three resale-restricted homeownership projects and demonstrate capacity to secure permanent financing within 5 years for the proposed project; or be working in partnership with an organizational partner that has successfully developed and stewarded at least three Resale Restricted Homes projects and can demonstrate capacity to secure permanent financing within 5 years. The applicant, its organizational partner(s), if any, and all Affiliated Entities must be in Good Standing on any OH loans.

Additional borrower requirements to be eligible for a construction loan are as follows:

- All homes in the proposed project will be Resale Restricted. There can be no market rate homes as part of the project,
- The development proforma, as determined by OH, demonstrates that the homes can be sold for affordable prices either with only OH subsidy or that all additional required subsidy has been committed,
- Alternative sources for construction financing have been explored and cannot be secured or can be secured but the cost for such financing inhibits the ability of the sponsor to sell homes at the required affordable prices.

### **vi. Loan rate and terms**

1. For vacant land, the loan to value shall generally be up to 95% and may be up to 100% subject to criteria identified in the NOFA. Project sponsors must demonstrate securing an acquisition loan from OH as opposed to other lenders results in significant savings to the project. Construction loans shall be up to 75% of the post construction value as determined by an OH commissioned appraisal.
2. The interest rate shall be generally be 2% simple interest. Accrued interest shall be paid in full when the loan is repaid or converted to development subsidy.

3. Loans generally will be made on a non-recourse basis. OH may require recourse to the borrower or a guarantor, or both, if for any reason the Director deems it necessary or prudent in order to minimize risk.
4. Borrowers must agree to terminate a use other than low-income housing, upon OH request.
5. Acquisition loan terms shall be up to five years. Construction loan terms shall be up to two years. The Director shall have the option to allow extensions, or to convert the appropriate portion of the Short-Term Loan to development subsidy financing. Any extensions may be conditioned on the borrower submitting an updated proposal for approval by OH.
6. OH will require a covenant or other acceptable legal restriction to be recorded against the property which will require use of the property wholly or in part for Resale Restricted Homes. The restriction shall continue in effect when the loan is repaid or discharged. The Director may release the restriction, wholly or in part, if as a substitute there is recorded a covenant or other legal restriction such as a ground lease at the time of closing of development financing or at the time homes are sold to eligible homebuyers, so that the homes supported by OH funding will be Resale Restricted Homes.
7. The Director also may release the restriction, wholly or in part, in connection with a sale of the property approved by the Director, if the property is not in housing use and the Director determines that development of low-income housing is infeasible and that the loan must be repaid.

## **F. Project Monitoring**

Borrowers or project stewards of Resale-Restricted Homes shall report annually on their compliance with various ongoing funding requirements and their monitoring status of such. These reports shall be furnished by a date specified by OH upon reasonable advance notice and/or as required in regulatory agreements.

Annual reports shall include, but not be limited to, information regarding the following compliance and performance areas:

1. Home as owner's primary residence.
2. Homeowner status: The steward will report any homeowner who is not in Good Standing as agreed upon by the terms outlined in their agreement with the steward and the nature of any default.

3. Unit sales or transfers: The below is in addition to submitting buyer eligibility documentation for resales and transfers, as required in loan documents.
  - a. Unit sales: The steward will indicate which OH funded homes have resold and include the current owner information.
  - b. Unit transfers: The steward will indicate which OH funded homes have been transferred; and the updated homeowner contact information. The homeowners must meet the transfer terms outlined in the agreement with the steward.
4. Project operations: If there are regulatory agreement requirements such as operations and/or building reserve minimums or the like articulated in loan documents, compliance with those will also be reported on and monitored by OH staff.

## **G. Good Standing**

An applicant or borrower must meet the following conditions to be in Good Standing:

- The applicant or borrower is not in default of the terms of any outstanding loan, contract or program agreement with the Office of Housing, or if in default has reached resolution with OH on remedy.
- Any project for which the applicant or borrower, or its Affiliated Entity, has received OH development, acquisition, or bridge financing is proceeding without substantial concerns (such as construction delays, budget overruns or inability to sell units); or, if substantial concerns exist, an appropriate mitigation plan has been proposed by the applicant or borrower and accepted by OH.
- Be current on annual reporting requirements as outlined in Section F above.

## **3. Foreclosure Prevention Program**

The Foreclosure Prevention Program provides loans to eligible homeowners who are at risk of foreclosure. Funds can be used to pay for housing-related costs, such as mortgage payments and property tax arrears, necessary to prevent foreclosure. The program is funded solely with 2023 Housing Levy funds.

### **A. Program Objectives**

- Decrease the number of foreclosures in Seattle and the resulting displacement of Low-Income homeowners, which disproportionately impacts older adults and people of color.
- Assist low-income homeowners to remain successfully in their homes and communities.

- Explore and create effective partnerships with housing counselors, other City departments, and King County to determine how and when to appropriately intervene with financial or other assistance to assist low-income homeowners to successfully remain in their homes.

## **B. Program Funding Policies**

### **i. Homeowner eligibility**

Homeowners with household incomes at or below 80% of Median Income who own and occupy their homes may be eligible for assistance. Homeowners must have experienced an identifiable hardship, such as job loss or medical crisis, that resulted in delinquent housing payments and must demonstrate the ability to afford the housing payments after receiving assistance. Homeowners must be working with and referred by an OH-approved homeownership counseling agency, and must fully explore alternatives, including workout options, prior to or in conjunction with applying for the Foreclosure Prevention Loan. OH will allow the homeowner to retain financial reserves up to a maximum reasonable amount, as agreed to between OH and the program administrator.

### **ii. Eligible uses**

Funds can be used for housing-related costs that are necessary to avert foreclosure. Such costs may include costs required to obtain a mortgage modification, delinquent mortgage payments, overdue property taxes, delinquent homeowner association dues, and interest and fees associated with late payments on the above.

### **iii. Loan terms**

Loan amounts will not exceed an amount that OH determines the borrower needs to avoid foreclosure. Additional underwriting criteria such as loan to value ratio established by OH will apply. The maximum loan amount will be \$30,000. The minimum loan amount will be \$2,000.

Interest rates may range between 0% and 3%. Loans may be amortized or deferred. Deferred loans will be due in 30 years or upon sale or transfer, and deferred loans may require monthly payments after the senior mortgage loan has been paid off. For amortizing loans, the amortization period can extend up to 20 years, but the payment must be at least \$50 per month and must cover interest.

A lien will be recorded against the home. The Director may forgive all or part of the loan if the home sells for less than existing liens against the home and repayment of the loan would cause significant hardship to the Low-Income homeowner.

#### **iv. Program administration**

OH may issue a competitive Request for Proposals (RFP) or a Request for Qualifications (RFQ) to select a program administrator with the necessary experience in underwriting, originating and/or servicing loans. The selected administrator will have a strong track record of lending services, working successfully with the network of Seattle area housing counseling agencies, and service to the community. The administrator will have demonstrated experience and capacity for affirmative marketing, record keeping and reporting, customer service, fair lending and portfolio management in accordance with all applicable laws, regulations, codes, contracts, and funding requirements.

## V. Long-Term Preservation of City-Funded Rental Housing

OH conducts long-term monitoring and compliance on affordable rental housing buildings supported by City funds. As these buildings approach the end of their agreed terms of affordability and/or need rehabilitation to continue operating, OH seeks to preserve City-funded housing whenever possible. This Chapter outlines potential pathways to either extend the operational life of such buildings and retain permanent affordability, or else release ownership of these buildings in a way that provides adequate consideration for current residents and allows for the subsequent creation of replacement homes. Potential pathways may include, but are not limited to:

- Preserve the building as affordable rental housing by extending the loan, restructuring debt, facilitating the transfer to another owner-operator, and/or making additional City investment to address both capital and operational needs while extending the mandated affordability period.
- Preserve the site that the property occupies for affordable rental or ownership housing through redevelopment with new affordable homes on the site. This pathway should include a plan for relocation of current residents.
- Explore options for community and resident ownership if buildings can be adequately renovated and offered to residents.
- If all other options have been exhausted, allow for the sale of City-funded properties. This pathway should include a plan for relocation of current residents and maximum possible reinvestment of the OH share of equity in new affordable rental housing.

In determining the appropriate pathways for City-funded rental housing, OH will consider factors such as other public funder requirements, the capital needs of the building, the building's operational efficiency, and the overall financial sustainability of the provider. OH will also consider the availability of City funding and other resources, including the costs and benefits of preserving existing affordable housing versus investing in the production of replacement housing elsewhere at similar affordability levels. Generally, OH will only approve reinvestment in existing rental housing when the cost to preserve is less than or equal to the cost to produce replacement housing at similar affordability levels, and when preservation will not adversely impact the ability of the provider to maintain the rest of its portfolio or to create new, needed affordable homes.



There may be instances where OH chooses to reinvest in existing buildings even if the cost to preserve is greater than the cost to produce comparable replacement homes. Factors OH may consider in these instances include, but are not limited to:

- Cost of preserving existing affordable homes
- Existing affordable homes are located in an area that:
  - has experienced displacement,
  - is at high risk of displacement,
  - provides access to opportunity, or
  - has not received significant public investment for affordable housing.
- Unique opportunities to convert projects to permanently affordable homeownership or community ownership.

## **VI. JumpStart/PET Community Self-Determination Fund Program**

The JumpStart/PET Community Self-Determination Fund (JumpStart/PET CSDF) provides short-term or permanent funding to community-based organizations for strategic property acquisition, development, and preservation of low-income housing. JumpStart/PET CSDF loans can be made for acquisition of land or buildings, and can support development of affordable rental or for-sale housing. Program resources may be used to purchase buildings identified through Seattle’s Notice of Intent to Sell ordinance. Loans are intended to be repaid with permanent project financing, which may or may not include City fund sources. The total outlays under the JumpStart/PET CSDF may not exceed the funding allocated to the JumpStart/PET CSDF. Permanent financing availability must align with funding needs created by CSDF short-term financing and Levy-funded short-term financing.

An additional element of the JumpStart/PET CSDF is the JumpStart/PET Community-Based Organization (CBO) Capacity and Grant Program, which will set aside funds for third-party intermediaries to provide technical assistance and capacity support for CBOs and new developers.

### **1. JumpStart/PET CSDF Program Objectives**

- Support CBOs who are new to housing development and may not meet the eligibility requirements of the existing A&P Program.
- Support equitable housing development that aims to redress past harms in communities where housing markets have been disproportionately negatively impacted by government and financial institutions.
- Provide more flexible development timelines for community-based development.
- Reduce barriers for CBOs to enter the affordable housing sector, particularly for those CBOs that have traditionally been excluded from the industry.
- Enable more community driven projects to be realized by communities living with the past and present impacts of displacement and housing discrimination.
- Acquire and preserve existing affordable housing, including occupied buildings that are subsidized rental housing or affordable private market housing, particularly such occupied buildings where low-income residents may be at risk of displacement.
- Affirmatively further fair housing and advance the City’s equitable development goals, including by prioritizing investments in areas where residents have experienced and/or are at risk of displacement (particularly for communities that have been

disproportionately negatively impacted by systemically racist practices such as redlining), that provide high access to opportunity, or that have not received significant public investment for affordable housing previously.

- Produce or preserve low-income housing in high-capacity transit station areas and locations with high-frequency transit service, to provide access to employment and services.
- Support cost-effective housing investment, particularly where short-term acquisition financing is critical to achieve cost savings.
- Leverage significant funding for housing development, operations, and/or services, or project-related infrastructure investments, which may be lost without the availability of short-term acquisition financing.

## **2. JumpStart/PET CSDF Program Policies**

The following program policies apply to JumpStart/PET CSDF loans. A loan must be used for Site Acquisition, including acquisition of improved or unimproved property, or both, to assist in the development or preservation of low-income rental or homeownership housing.

### **A. Notice of Funds Available**

OH will issue a Notice of Funds Available (NOFA) and may accept applications on a rolling basis. The NOFA will specify application requirements similar to the Rental Housing and Homeownership program applications. Pre-application meetings with OH staff will be mandatory. JumpStart/PET CSDF loans may be made only when, in the judgment of the OH Director, there is a high likelihood that an acceptable development plan and permanent financing for low-income housing will be available within five years.

### **B. Eligible Borrowers**

To be eligible for a JumpStart/PET CSDF loan, the applicant must meet the following criteria:

- A participant in the JumpStart/PET CBO Grant Program (as described below)
- Community-Based Organizations and Community Development Corporations
- Funds will be prioritized for organizations that are working directly with vulnerable and low-income communities who have been most negatively impacted by discriminatory housing practices

- Organizations with annual organizational housing revenue below \$8 million will be prioritized
- Documented Board intent to own and operate multifamily rental and/or steward Resale-Restricted homeownership
  - To be eligible for the JumpStart/PET CBO Capacity and Grant Program, Board intent may be established by a resolution
  - To be eligible for the JumpStart/PET CSDF Loan Program, Board intent must be established in the organizational mission statement and/or by-laws

Project criteria:

- Funds will be prioritized for projects that advance equitable development goals and address displacement, including those proposed or supported by local, community-based, non-profit organizations that are culturally relevant and historically rooted, particularly when the project site is in an area that is at high risk for displacement.
- A development plan must be in place within five years of receiving acquisition funding

The applicant and its Affiliated Entities must be in Good Standing on any OH loans. Applicants who have, or whose Affiliated Entities have, an outstanding CSDF loan will generally not be eligible unless permanent financing for the outstanding loan has been secured. Each applicant and its Affiliated Entities are allowed one JumpStart/PET loan at any given time.

### **C. Loan Rate and Terms**

- For vacant land, the loan to value shall generally be up to 95% and may be up to 100% subject to criteria identified in the NOFA. Loan to value shall be up to 80% on improved income producing property but may be up to 100% for properties that are not producing income sufficient to cover debt. OH will generally expect City funds to be leveraged with other acquisition sources.
- The interest rate shall be 1% to 3% simple interest. Accrued interest shall be paid in full when the loan is repaid.
- Loans generally will be made on a non-recourse basis. OH may require recourse to the borrower or a guarantor, or both, if for any reason the Director deems it necessary or prudent in order to minimize risk.
- Borrowers must agree to terminate a use other than low-income housing, upon OH request.
- The loan term shall be up to 5 years. The Director shall have the option to allow extensions, or to classify the CSDF loan as permanent financing. The project will apply

through a competitive procurement process for future development gap financing. Any extensions may be conditioned on the borrower submitting an updated proposal for approval by OH.

- A 20-year covenant will be recorded against the property that will require use of the property wholly or in part for low-income housing. Low-income rental housing shall provide an Affordable Rent for households with incomes up to 60% of Median Income. When a loan is used to acquire an occupied building, low-income rental housing may provide an Affordable Rent to existing tenant households up to 80% of Median Income and will be required to provide an Affordable Rent to households with incomes at 60% of Median Income upon unit turnover. Resale Restricted for-sale homes shall be sold to eligible homebuyers with household incomes of no more than 80% of Median Income for Resale Restricted Homes.

When a JumpStart/PET CSDF participating Community Development Financial Institution (CDFI) contributes financing to the acquisition, the Director may allow the regulatory agreement to be in a subordinate position on vacant land or land to be redeveloped, to allow a higher loan-to-value for the participating CDFI. In this case, the CDFI will partner with OH in workout scenarios to facilitate a new affordable housing partnership, if feasible. Otherwise, the covenant shall continue and shall remain in first position when the loan is repaid or discharged. If OH provides permanent financing for the project, the covenant will be amended and restated to comply with Rental Housing or Homeownership program policies as then in effect. However, the Director may release the covenant, wholly or in part, in connection with a sale of the property approved by the Director, if the property is not in housing use and the Director determines that development of low-income housing is infeasible and that the loan must be repaid.

### **3. JumpStart/PET Community-Based Organization Capacity and Grant Program**

The JumpStart/PET CBO Capacity and Grant Program (CGP) establishes a fund of up to \$2 million annually that will be administered by third-party intermediaries, which will provide technical assistance and capacity support for CBOs interested in developing affordable housing. This Grant Program will provide education, training, technical assistance, capacity building, access to working capital, connections to other developers and potential partners, and other services that will support CBOs to successfully develop affordable housing projects.

The JumpStart/PET CGP will offer two primary phases of technical assistance and funding to support CBOs interested in acquiring and developing affordable housing.

Phase I, Technical Assistance: Grants of up to \$250,000 for interested organizations.

Eligible costs in this grant program include:

- Project specific Pre-Development expenses
- Trainings (examples include: Development 101, Fair Housing, Operations Budgeting)
- Working capital
- Capacity building and technical assistance
- Approved consultants and partnership fees
- Administrative fee for intermediary (10% cap)
- Origination fee (1.5% cap)
- Other activities related to launching the acquisition and development of affordable housing

Phase II, Development: Organizations that enroll and participate in JumpStart/PET CGP will be eligible to apply for a JumpStart/PET loan, including up to \$500,000 additional Developer Fee to support organizational capacity tied to a specific awarded project. The additional Developer Fee is awarded at closing, after the permanent NOFA award, when construction of the project begins.

OH will report annually on the JumpStart/PET Program, including key metrics and data such as the number and amount of grants and loans distributed.

## **VII. Home Repair and Weatherization**

### **1. Home Repair Program Objectives and Priorities**

The Home Repair Program provides low-interest loans and grants to address immediate health and safety issues and structural deficiencies of homes occupied by low-income homeowners. Weatherization grants also may be provided to improve energy efficiency, reduce utility costs, convert homes from oil to electric heating and address indoor air quality issues for low-income owners. Except as otherwise required for particular fund sources, the following program policies apply to all funds administered by OH for home repair purposes, including funds from prior Levies, federal Community Development Block Grants (CDBG) funds, other local sources, and Program Income from loan repayments to be used for home repair loans and grants; and Housing Levy Homeownership Program funds to be used for home repair grants.

- Assist low-income homeowners to remain in their homes and communities, especially low-income seniors on fixed incomes and other homeowners at risk of displacement.
- Assist low-income homeowners make health and safety repairs, including repairs that will enable the homeowner to access free weatherization upgrades that reduce the owner's housing costs through utility cost savings.
- Prioritize repairs that are most urgent, including those that address immediate health and safety issues, and other urgent repair needs that will result in increased repair costs and unhealthy living conditions if left unaddressed.

### **2. Home Repair Loan Policies**

#### **A. Loan Amounts**

The maximum home repair loan is \$24,000. A homeowner may apply for additional loans provided that total outstanding loans for repair of any home generally may not exceed \$45,000. If a home has additional health and safety needs that cannot be addressed within this amount, the Director may allow up to \$55,000 in total outstanding loans for repair of any home.

#### **B. Homeowner Eligibility**

Homeowners with incomes up to 80% of Median Income may be eligible for assistance.

The home must be owner-occupied and must be the owner’s principal residence. The home may be a single-family home, duplex, triplex or fourplex, or an individual condominium unit, townhome or cooperative unit. Manufactured homes affixed permanently to a foundation may be eligible, as long as the homeowner owns the land as well as the home. Depending on structure type, some home repairs may not be eligible. If the home has a rental unit(s), funding may be used solely to pay for exterior measures and any work needed in the unit occupied by the homeowner.

### **C. Loan Terms**

Interest rates generally are set at 0%. Loans may be amortized or deferred depending on borrower income, debt, and ability to pay debt service to the City in addition to other obligations. If a loan will be used to create a City-approved accessory dwelling unit, loan terms will include income and rent restrictions for the rental unit.

### **D. Priority Uses of Funds**

Program funds may be provided for the following activities:

- Measures that address health, life and safety concerns and/or address the structural integrity of the home. OH staff will conduct a visual inspection of the home to identify needed repairs that are eligible for assistance under the Program. OH will prioritize urgent repairs that address immediate health and safety issues or prevent increased repair costs and unhealthy living conditions. Other health and safety repairs, including repairs that will enable the homeowner to access free weatherization upgrades that reduce the owner’s housing costs through utility cost savings, may also be included in the scope of work.
- Measures that improve or increase the habitable space in the home or in an accessory structure. OH may approve repairs and improvements for purposes of providing suitable living space for current or additional household members, or for generating rental income to support housing stability for Low-Income households. OH will set priorities for the scope of work, including features such as basement egress, on a case-by-case basis.

### **E. Funding Process**

OH will accept homeowners’ applications for home repair loans on a rolling basis. Applications must meet underwriting criteria established by OH including loan to value ratio, ability to make housing-related payments, and financial condition of the borrower. OH will also assess the



immediate health and safety impact of the needed repair and/or impact of improvements to the habitable space in the home or in an accessory structure

### **3. Home Repair Grant Policies**

#### **A. Grant Amounts**

OH may provide grants of up to \$20,000. A home may receive multiple home repair grants over time, but total lifetime grant amounts for repairs to any home cannot exceed \$20,000. There will be no minimum grant amount, but if the repair need is small, the homeowner will be encouraged to use other existing programs if available.

#### **B. Homeowner Eligibility**

Homeowners at or below 80% of Median Income may be eligible for assistance. In addition to income limits, OH will generally limit liquid assets to no greater than \$50,000.

The home must be owner-occupied and must be the owner's principal residence. The home may be a single-family home, duplex, triplex or fourplex, or an individual condominium unit, townhome or cooperative unit. Manufactured homes may be eligible, as long as the homeowner owns the home itself. Depending on structure type, some home repairs may not be eligible. If the home has a rental unit(s), grant funding may be used solely to pay for exterior repairs such as roof or siding, and repairs needed in the unit occupied by the homeowner.

#### **C. Recoverable Grants Terms**

Grant terms may require the homeowner to repay a portion or the entire grant at time of sale if the property is sold within three years of the date of the award and there are positive net proceeds from the sale.

#### **D. Eligible Uses of Grant Funding**

The program can be used to fund interior or exterior repairs to a home necessary to maintain or improve homeowner health and safety. The priority uses for the program will be:

- Emergency repairs that address an immediate threat to health and safety

- Repairs that cannot be funded by other available home repair programs, including repairs that enable the homeowner to access free weatherization grants

OH staff will conduct an inspection of the home and must approve the scope of work.

## **E. Application Process**

OH will accept applications for home repair grants on a rolling basis. OH will assess a homeowner's eligibility for a home repair loan prior to considering a grant award. A grant may be approved if the homeowner is ineligible for a home repair loan from OH or if the cost of essential repairs exceeds the amount OH determines that the homeowner is qualified to borrow. Homeowners will immediately be considered for a grant if (1) the cost of repairs is less than \$3,000 or (2) the repair need must be addressed immediately due to health or safety concerns.

## **4. HomeWise Weatherization Services**

The HomeWise program provides funding and project management services in support of residential energy efficiency upgrades, including converting homes from oil to electric heat. The program actively supports preservation of existing affordable housing and reduces costs for both income-qualified homeowners and affordable rental housing residents and owners.

Single-family homes and multi-family apartment buildings with income-qualified residents may receive weatherization services. Income limits vary by fund source, with most funds available for residences occupied by households with incomes at or below 60% of the state median income as published by the State of Washington based on data from the U.S. Department of Health and Human Services, or at or below 80% of Median Income as defined in Chapter XI, adjusted for household size. OH shall publish income limits in HomeWise application materials and on OH's website. HomeWise serves eligible oil and gas heated homes located in Seattle, and eligible electrically heated homes in Seattle and elsewhere in the Seattle City Light service territory.

Policies governing HomeWise weatherization services are specified in individual grant agreements between the City and the entity providing funds, including Seattle City Light and Washington State. OH receives multiple grants from the State Department of Commerce, which are subject to rules and regulations contained in the State's Weatherization Manual, including but not limited to income eligibility restrictions, project prioritization criteria, technical

certifications, and restrictions on permissible weatherization, health and safety, and repair measures.

## **VIII. Housing Development on Publicly Owned Sites**

Publicly owned sites provide an opportunity for affordable rental and ownership housing development, including affordable housing combined with other public facilities and amenities. When a suitable site that is owned by the City or another public agency has been designated for affordable housing development, OH may follow the policies in this Chapter to competitively select an affordable housing developer and award OH funding, in lieu of awarding funding from the Rental Housing or Homeownership program through an annual NOFA process.

### **1. Housing Development on Publicly Owned Sites Policy Objectives**

The objectives for these developments include:

- Utilize well-located publicly owned properties for affordable rental or ownership housing, particularly properties located near transit station areas and high-capacity transit service.
- Co-locate affordable housing, when feasible, with facilities that complement broader community development goals (including, but not limited to, affordable commercial space), and facilities necessary to meet residents' everyday needs such as community centers, childcare centers, health and human services, commercial or non-profit groceries, fresh/healthy food merchants, home goods, cultural anchors, and other desired community services.
- Achieve cost-savings for affordable housing development through favorable purchase terms, and efficient funding and disposition processes.
- Align housing funding processes with broader community development goals and local community needs. Coordinate with other City departments, when appropriate, to facilitate and coordinate different funding sources and requirements of mixed-use projects.
- Serve the priority populations described in Chapter II, Section 1 of these policies.
- Encourage partnerships and prioritize development proposals submitted by organizations led by and accountable to communities most impacted by displacement when available sites are located in neighborhoods with high displacement risk.

## **2. Housing Development on Publicly Owned Sites Funding Policies**

OH may award funding from the Rental Housing Program for a rental housing development, or the Homeownership Program for homeownership development, for a site specific development opportunity that utilizes publicly owned property. The following policies shall apply:

### **A. Competitive Process**

Funds shall be awarded through an open, competitive process such as a Request for Proposals (RFP). In addition, OH may utilize a Request for Interest (RFI) or Request for Qualifications (RFQ) process prior to an RFP to help generate interest in a property and/or define the field of interested or qualified applicants.

### **B. Funding Amounts**

OH may publish an “up to” funding amount that provides sufficient resources to achieve program goals for affordability and overall production, while encouraging competition based on cost effectiveness.

### **C. Coordination with Other Public Agencies**

When allocating City funds for development on a site owned by another public agency, OH will coordinate with partner agencies to release a joint RFP or coordinated RFPs that award site control and funding, incorporating City housing goals, policies and priorities into the selection process.

### **D. Evaluation Criteria**

Evaluation criteria shall be published in offering documents, and shall include factors such as conceptual soundness, financial feasibility, organizational capacity, and ability to advance affordability goals and meet program objectives. OH will prioritize projects proposed by local community-based, non-profit organizations that are culturally relevant and historically rooted, particularly when the project site is in an area that is at high risk of displacement. Additional consideration will be given to projects already receiving funding through the Equitable Development Initiative. OH may allow for consideration of other public benefits in addition to affordability as part of the evaluation process provided that OH funds are limited to eligible

housing uses, and promotion of such non-housing goals is not at the expense of achieving affordable housing goals for the project.

### **E. Review Panel**

Proposals shall be evaluated by a review panel that includes OH staff, and may also include other City staff, partner agency staff, and other technical advisors as deemed appropriate by the Director for the development site.

### **F. Decision-Making**

Funding decisions shall be made by the Director based on the strengths of each proposal in meeting the published goals, priorities and evaluation criteria specified in offering documents.

### **G. Applicable Funding Policies**

Rental Housing Program and Homeownership Program policies shall apply to funds awarded through a site-specific RFP process, except where those policies conflict with policies stated in this Section. General policies for capital funding in Chapter X apply under this Chapter.

### **H. Community Relations**

Winning applicants shall comply with the Community Relations Policy in Chapter X below, except that neighborhood notification shall begin upon award of OH funding, rather than prior to application for funding.

### **I. Pre-Development Funding**

OH may pay for Pre-Development expenses as defined in the Glossary.

## IX. Market Incentives and Land Use Reporting

On an annual basis, OH shall provide a report to City Council on affordable housing produced according to the City’s Market Incentives and Land Use (MILU) code requirements (e.g. Incentive Zoning and Mandatory Housing Affordability Program (MHA)). The report is due on June 30 and shall include the following information about activities during the prior calendar year:

- For projects with building permits issued the prior calendar year, the share of projects that selected on-site performance, off-site development, or payment
- Total dollar amount of:
  - payments committed
  - payments received
  - funding awarded for low-income housing production and preservation
- The total number of units by affordability level for performance projects and for low-income housing awarded payment funds
- The cumulative amount of MHA funds received compared to awarded to date

MILU funds are awarded for low-income housing according to the Housing Funding Policies for the Rental Housing Program and Homeownership Program, consistent with land use code and any other legal requirements applicable to the funds.

Per SMC 23.58C.040.B3, for purposes of determining low-income housing to be awarded MHA funds, the City considers the extent to which the housing would advance the following:

- a. Affirmatively furthering fair housing choice;
- b. Location within an urban center or urban village;
- c. Location in proximity to frequent bus service or current or planned light rail or streetcar stops;
- d. Furthering City policies to promote economic opportunity and community development and addressing the needs of communities vulnerable to displacement; and
- e. Location near developments that generate cash contributions.

For purposes of allocating MHA payment funds, OH shall prioritize low-income housing located within geographic areas where development has generated payment contributions, particularly when there is a significant imbalance between the amount of MHA payments received and OH capital investments made.

In addition, OH’s Annual MHA Report shall tally the cumulative amounts of MHA funds received compared to awarded to date by the following geographic groups:

- Belltown, Chinatown-ID, Commercial Core, Denny Triangle, Pioneer Square
- South Lake Union
- 12th Avenue, Capitol Hill, Eastlake, First Hill
- Lake City, Northgate
- Ravenna, Roosevelt, University District
- Queen Anne, Uptown
- Admiral, Morgan Junction, South Park, West Seattle Junction, Westwood-Highland Park
- Columbia City, Mount Baker, Beacon Hill, Othello, Rainier Beach
- 23<sup>rd</sup> & Union-Jackson, Madison-Miller
- Fremont, Green Lake, Wallingford
- Ballard, Crown Hill, Greenwood-Phinney Ridge
- Aurora-Licton Springs, Bitter Lake



## **X. General Policies for Capital Funding**

The following policies apply to all OH-funded affordable rental and homeownership projects except to the extent otherwise provided in these Policies, where otherwise required for use of a fund source, or where a more limited class of projects is identified below, but do not apply to projects involving only weatherization and home repair.

### **1. Development Siting Policy**

The Development Siting Policy is intended to promote development and preservation of housing for Seattle’s lowest-income and most vulnerable populations throughout the city, including in our most amenity-rich neighborhoods in terms of transit, schools, parks, retail and other services. The policy supports City efforts to affirmatively further fair housing for Extremely Low-Income people who have disabilities and other significant barriers to housing.

#### **A. General Policy**

OH generally will not provide funding for additional units of housing for Extremely Low-Income residents if a significant amount of such housing is located in the immediate area. OH will make an initial assessment to determine if, upon completion of the proposed development, housing units for Extremely Low-Income households would exceed 20 percent of total number of housing units in the Census Block Group, using the following data:

- The total number of housing units includes existing housing units and housing units for which permits have been issued according to the latest data available from the Department of Construction and Inspections (SDCI), housing units in the proposed project, any proposed new rental housing units funded by or otherwise known to OH but not yet captured in SDCI’s data;
- Housing units for Extremely Low-Income households are units in projects with capital subsidies from public agencies that are restricted to residents with incomes at or below 30% AMI, according to the latest data available from OH, which includes existing City-funded projects, and any proposed new units funded by or otherwise known to OH but not yet constructed or occupied, and non-City funded projects as reported periodically by county, state and federal agencies.

## **B. Alternative Conditions**

OH may consider additional factors when determining consistency with this policy to ensure that funding programs affirmatively further fair housing, including but not limited to:

- The housing will be located close to significant existing or planned services needed by residents, such as health care or other supports for people with disabilities.
- Housing units for Extremely Low-Income households located in the area are restricted, such as senior-only buildings, and are therefore not available to residents of the proposed development.
- Natural or manmade barriers (e.g. a bluff, waterway, or freeway) physically separate the proposed project from existing housing for Extremely Low-Income households.
- Significant market rate housing development is expected to occur soon, for example, due to nearby transit investment.
- A different geographic area, such as an area defined by distance from the proposed development, should be considered rather than the Census block group, given the physical characteristics of the area, land use and development patterns.

## **C. Siting Determination**

A project sponsor may request a determination under this policy (“Siting Determination”), which OH will provide in the order requested if more than one sponsor is seeking a siting determination in the same area. The request must specify a project location, a maximum number of rental housing units for Extremely Low-Income households and, if applicable, a minimum number of other proposed housing units. Requests should be made as soon as details on unit income and rent restrictions for the proposed project are reasonably solidified and the sponsor knows that they will apply to OH for funding. The Siting Determination shall be in effect for up to one year, during which time any request for a certification of the project’s compliance with these Policies and any application to OH for funding may rely on the determination, provided that the parameters of the proposed project remain reasonably consistent with the project description at the time of the determination, even if the number of housing units or other Extremely Low-Income units in the Census Block Group has changed. A sponsor may and should withdraw a Siting Determination prior to its expiration if they decide not to proceed with the project and/or not to request funding from OH.

This policy does not apply to proposed housing developments in the Yesler Terrace Redevelopment Area, or located within the Downtown, Uptown and South Lake Union Urban Centers. In addition, the policy does not apply to housing developments previously funded by

the City or to proposed replacement housing developments or other housing that must be developed in a designated geographic area to meet community benefit requirements of a Major Institutions Master Plan.

## **2. Community Relations**

The City of Seattle supports affordable housing production and preservation in neighborhoods throughout the city. Organizations seeking OH funding for a housing development must give neighbors and local community members opportunities to learn about the project and to provide input, and maintain communication during construction and operations. The policy applies to all rental housing projects and to homeownership developments with four or more for-sale homes. It applies to applications for permanent and bridge financing for new construction and acquisition/rehabilitation projects. Applications for projects that will renovate an existing building without a change in ownership must conduct only Neighborhood Notification.

### **A. Community Relations Policy Objectives**

- Promote open, ongoing communication between developers and neighbors. This requires cooperation by developers, the City, and neighborhood residents. A positive, open relationship between housing developers and neighbors can prevent misunderstandings, facilitate prompt resolution of any inadvertent misunderstandings, and provide a fair, thoughtful, dependable means of ironing out differences.
- Provide information about the proposed project including the design, permitting and construction schedule, opportunities to provide input and submit comments, and eligibility requirements and application process for those interested in renting or purchasing the affordable housing.
- Give neighbors and community members an opportunity to communicate any concerns about design, construction, operation and management of a project and to work collaboratively with housing developers and/or residents to identify ways to address those concerns.

The City supports affordable housing projects that will preserve and enhance the strengths of Seattle’s neighborhoods. Housing developers and neighbors should keep OH informed of any issues or concerns throughout the development and operation of the project. It is the policy of The City of Seattle that OH funding of affordable housing is not refused solely on the basis of concerns expressed by neighbors and other community members. The City supports and is committed to promoting diversity in Seattle neighborhoods. Consistent with local, state and

federal fair housing law, housing may not be excluded from a neighborhood based on characteristics of the persons who will live there.

## **B. Notification And Community Relations Requirements**

The steps outlined below describe minimum notification and community relations requirements. Project sponsors should tailor community relations efforts to best serve each individual project and neighborhood. OH may make exceptions to these requirements due to the unique circumstances of a proposed project (e.g., housing for victims of domestic violence with confidential location).

### **i. Consultation**

Prior to releasing purchase and sale agreement contingencies for site acquisition:

- Consultation with OH: OH will help identify developers of other affordable housing in the neighborhood(s) being considered and suggest organizations to contact, which will include both neighborhood-based organizations and other community groups who may be interested in the project.
- Contacts with other affordable housing owners. Housing owners in or near the neighborhood can provide information about a neighborhood’s historical and current housing- and development-related concerns.

### **ii. Neighborhood notification**

Prior to submitting a funding application:

- Neighborhood notification: Notify neighbors (including all residential and commercial property owners, and tenants as feasible) within at least 500 feet of the site using a written notice, letter or flyer (“notification letter”). Include basic information about the sponsor organization and proposed project (e.g., estimated schedule, contact person, and neighborhood organizations that have also been notified about the project). The neighborhood notification letter must be sent within one year before the application is submitted.

### **iii. Draft Community Relations Plan**

Included in the application for funding, a summary of completed activities and a plan for actions to be undertaken following a funding award:

- Documentation of completed notification: include a copy of the neighborhood notification letter and a list of recipients.
- Community outreach: Completed outreach and planned future activities for maintaining ongoing communication with immediate neighbors and community organizations throughout the project’s planning, design, construction, and operation phases.
- Inclusive community engagement: strategies for engaging historically underrepresented communities, including communities of color and communities for which English is a second language. This community engagement can be designed to meet affirmative marketing requirements in Section 4 below, particularly when a project is in an area at high risk of displacement.

#### **iv. Strategies for communications with neighbors and community organizations**

The community relations plan may include presentations at regularly scheduled neighborhood organization meetings, invitation to a meeting hosted by the housing developer, formation of an advisory committee, and/or regular project updates in neighborhood organization publications or posted at local libraries, community centers, etc.

Information the housing developer should provide at meetings includes the following, to the extent that it does not compromise the safety, confidentiality, or well-being of the residents:

- Project design and intended resident population, and planned supportive services for residents if applicable
- Estimated schedule for construction and completion
- Experience of the project team in developing and operating affordable housing
- Information about eligibility, affirmative marketing and how to apply for housing
- Opportunities to provide input on the project
- Mechanisms for ongoing communication once the housing is operational

#### **v. Communication during construction and after opening**

During development and, for rental housing developments, once the housing is operational, applicants must implement the Community Relations Plan and maintain communication with neighborhood organizations and neighboring residents and businesses. This may include updates on any changes to design or construction timing and invitations to any project open houses or other events. Rental housing owners should also keep OH apprised of any issues related to the building, promptly address emerging issues, and share stories of success during the operation of the building.

### **3. Relocation, Displacement, and Real Property Acquisition**

Development of affordable rental and homeownership housing, and acquisition of property for such development, should minimize displacement of households. Any temporary relocation or permanent displacement of households must comply with all applicable provisions of law and fund source requirements, including without limitation the following, as applicable: (a) Seattle Municipal Code 20.84– Relocation Assistance; (b) the City’s Just Cause Eviction Ordinance; and (c) for projects using federal funds, the federal Uniform Relocation Act (URA), Section 104(d) of the Housing and Community Development Act of 1974, the City’s Residential Anti-displacement and Relocation Assistance Plan (RARAP), and any other relocation regulations and handbooks applicable to the particular funding program. This policy does not apply to acquisition of owner-occupied or vacant homes by homebuyers using Homeownership Program assistance, unless required by applicable laws or regulations.

These policies, laws and regulations contain, among other requirements, different timelines under which households must be given various notices and provided financial assistance under certain circumstances. Consultation with OH staff prior to submission of applications for funding is required for any applicant whose project will involve acquisition, demolition, rehabilitation, or temporary or permanent relocation activities. In order to reduce the risk of impairing eligibility for funding, applicants should not take any action regarding these activities prior to consultation with OH staff. Applicants are responsible for assuring and documenting compliance.

### **4. Affirmative Marketing and Community Preference**

OH is committed to affirmatively furthering fair housing to address past discriminatory policies and practices, including government actions. Affirmatively furthering fair housing includes increasing affordable housing options, ending segregation and discrimination, and addressing displacement. Policies on Affirmative Marketing and Community Preference can advance that commitment.

Owners are required to affirmatively market affordable rental and homeownership housing, taking proactive steps to promote fair access and equal opportunity, so that individuals of similar economic levels in the same housing market area have a range of housing choices regardless of their race, familial status, disability, or other protected class status. Project sponsors must submit a draft Affirmative Marketing Plan following a funding award for a rental or homeownership development, and a final Affirmative Marketing Plan prior to leasing or sales. Funded organizations will be required to maintain records of their affirmative marketing

efforts. Owners may propose a community preference for a portion of the housing units to address displacement, in some cases, consistent with fair housing law. Housing owners with units with required tenant referral arrangements, including use of a coordinated entry system, will continue to receive referrals through the system approved by service funders.

The objectives of the affirmative marketing policy are:

- Promote robust, effective affirmative marketing to ensure fair access to affordable housing opportunities for diverse racial and ethnic communities and other protected classes, consistent with local, state and federal fair housing laws.
- Sustain and foster integrated, inclusive communities through effective outreach and advertising of affordable housing opportunities (including through use of language translation, as needed), and through preference policies that prioritize certain housing applicants in high risk of displacement areas when determined to be consistent with fair housing law.
- Encourage early engagement with local organizations in low-income communities of color that are at high risk of displacement to help address historical housing discrimination and prevent displacement of current residents.
- Increase opportunities for people experiencing homelessness (who are disproportionately people of color, people with disabilities, LGBTQ individuals, and others who face barriers to housing) through voluntary agreements with service providers for set-aside units and through affirmative marketing of non-set-aside housing units.
- Promote communication and referral relationships so that accessible units are available to people with physical disabilities and units with multiple bedrooms are available to families with children.

The objectives of community preference are:

- Affirmatively further fair housing choice across the city, including by sustaining and/or restoring inclusive communities, through preference policies that prioritize certain housing applicants in high risk of displacement areas when determined to be consistent with fair housing law.
- Help address displacement in high risk of displacement communities.

Applicants are encouraged to consult with OH early in project planning about community-based organizations and resources that may be part of an affirmative marketing effort. An Affirmative Marketing Plan must include the following:

1. Project location and populations needing targeted outreach. Analysis of the demographic make-up of the local area in comparison to citywide demographics. Determination of whether the proposed project location is in an area designated as high risk of displacement or an Equity Area. Identification of groups to receive targeted outreach to provide awareness and access to housing.
2. Outreach to community-based organizations. Description of completed and planned outreach to specific organizations. Description of efforts to seek input and, as appropriate, assistance with marketing, from organizations serving populations needing target outreach.
3. Lease up or sales procedures: Description of application process and how procedures provide fair access, including to populations identified for targeted outreach. Description of how demographic and other information will be used to assess the impact of affirmative marketing efforts. Projects located in areas identified as high risk of displacement may propose a community preference for a portion of the housing units, and provide data and analysis as required by OH's published guideline, to be reviewed by OH and the Seattle Office for Civil Rights for consistency with fair housing requirements.
4. Advertising and marketing. Description of planned marketing such as working with community-based partner organizations, nearby schools and social services agencies; targeted advertising such as local and culturally specific media; marketing through local employers with low-wage workforce; materials distributed at local and culturally specific events and locations; translated materials.
5. Other strategies to address barriers and support applicants. May include training and other support to community partners assisting with marketing, assistance with completing applications, voluntary referral agreements with organizations serving disadvantaged groups, and flexible screening criteria.

## **5. Fair Contracting Practices, WMBE Utilization, and Section 3**

Sponsors must comply with the City's Fair Contracting Practices Ordinance. Sponsors and their general contractors shall be encouraged to take actions, consistent with that ordinance, which would increase opportunities for women and minority business enterprises (WMBE). A combined WMBE aspirational goal of 14% of the total construction and other contracted services contracts shall apply for all affordable rental housing capital projects funded by OH. OH shall encourage additional efforts to increase WMBE participation including mentoring programs and participation in apprenticeship and other training opportunities.



In addition, projects that are awarded federal funds must comply with applicable regulations under Section 3 of the Housing and Urban Development Act of 1968, as amended, which is intended to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide opportunities to low-income persons. Borrowers and their contractors on projects covered under Section 3 regulations must develop a Section 3 plan stating numerical goals for contracting and hiring that meet federal targets as well as a description of the efforts they will make to achieve these goals. OH will provide connections to agencies serving Section 3 businesses and workers to assist in these efforts.

## **XI. Definitions**

In the Housing Levy Administrative & Financial Plan and Housing Funding Policies, the following terms, when capitalized, shall have the following meanings unless the context otherwise clearly suggests a different meaning:

“Affiliated Entity” of a person means any organization that, directly or indirectly, is controlling, controlled by, or under common control with, that person. In this definition, “organization” includes, without limitation, any type of legal entity and any partnership, joint venture, unincorporated association, or sole proprietorship; “person” includes any natural person or organization.

“Affordable Rent” for Low-Income tenant households means annual Rent not exceeding 30% of 80% of Median Income; Affordable Rent for tenants with income not exceeding 60% of Median Income means annual Rent not exceeding 30% of 60% of Median Income; Affordable Rent for Very Low-Income tenants means an annual Rent not exceeding 30% of 50% of Median Income; and Affordable Rent for Extremely Low- Income tenants means annual Rent not exceeding 30% of 30% of Median Income.

“Director” means the Director of the City of Seattle Office of Housing.

“Extremely Low-Income” means Income not exceeding 30% of Median Income.

“Finding” is defined in Chapter II, Section 1.L.ii.

“First Time Homebuyer” means:

- a) An individual or the individual's spouse who has had no ownership in a principal residence during the three-year period ending on the date of purchase of the property;
- b) A single parent who has only owned a home with a former spouse while married;
- c) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it exists on July 23, 2023, or such subsequent date as may be provided by the Washington State Department of Commerce by rule, consistent with the purposes of this section, and has only owned a home with a spouse;
- d) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or
- e) An individual who has only owned a property that is determined by a licensed building inspector as being uninhabitable.

“Housing First” means a homeless assistance approach that prioritizes providing access to low or no barrier permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the belief that people need basic necessities like food and a place to live before attending to other important health and life goals, such as getting a job, budgeting properly, or attending to substance use issues. Additionally, Housing First is based on the theory that client choice is central in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life.

“Initial Purchase Price” is defined in Chapter IV, Section 2.D.ii.

“Low-Income” means household income not exceeding 80% of Median Income.

“Median Income” means annual median family income for the Seattle-Bellevue, WA HUD Metro FMR Area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 or successor program, with adjustments according to household size in a manner determined by the Director, which adjustments shall be based upon a method used by HUD, and which adjustments for purposes of determining affordability shall be based on the presumed size of household considered to correspond to the size of the housing unit: for rental housing, one (1) person for studio units and one and a half (1.5) persons per bedroom for other units; for ownership housing, as stated in Chapter IV, Section 2.D for Resale Restricted Homes.

“Permanent Supportive Housing” or “PSH” means permanent housing prioritized for households exiting long term homelessness or chronic homelessness who are living with serious physical and behavioral health conditions and generally require onsite services and healthcare, paired with long-term rental subsidy, to maintain housing stability. Some level of residential services are typically available 24/7, with more enhanced case management and clinical services onsite during business hours.

“Pre-Development” includes items such as feasibility studies, soil assessment, historical review, architectural/engineering assessment, demolition costs, other consultants, community engagement, and other costs as relevant. Pre-development also includes ongoing, short-term holding costs of owning a property before it is ready for development, such as property management fees, security, graffiti removal, lawn maintenance, and other costs as relevant. This includes holding costs for current and future OH-owned properties. Holding costs for externally-owned properties would be incorporated into a larger OH short- or long-term capital loan to the

developer, and therefore not funded through the Pre-Development program. Funding through the Pre-Development program may be in the form of a grant, a stand-alone loan, or incorporated into a larger OH package for project financing. If awarded costs are incorporated into a larger OH loan, the Pre-Development program would not be the source of funds.

“Program Income” means funds received by the City as payments on or with respect to a loan, or recovery from loan collateral, and may include interest and share of appreciation, as required under the terms of the loan.

“Rent” means all amounts charged to tenants for the use or occupancy of the housing unit (whether or not denominated as rent or constituting rent under state law), plus a utility allowance for heat, gas, electricity, water, sewer, and refuse collection to the extent such items are not paid by the owner.

“Resale Restricted Home” is defined in Chapter IV, Section 2.D.

“Site Acquisition” includes the acquisition of interests in land or in improvements to land, or both; option and earnest money payments under contracts for such acquisitions; repayment of fund sources initially used for acquisition; or transfer of OH funds to a City department or account in order to repurpose City property for low-income housing.

“Siting Determination” is defined in Chapter X, Section 1.C.

“Very Low-Income” means Income not exceeding 50% of Median Income.

“Yesler Terrace Cooperative Agreement” means Exhibit A to C.B. 117536 as approved by the City Council on September 4, 2012, as it may be amended.

“Yesler Terrace Redevelopment Area” is as defined in Exhibit A to C.B. 117536 as approved by the City Council on September 4, 2012.

“Yesler Terrace Relocation Plan” is as defined in Exhibit A to C.B. 117536 as approved by the City Council on September 4, 2012, as it may be amended.

“Yesler Terrace Replacement Housing” means one or more of the first 561 housing units constructed or rehabilitated in the Yesler Terrace Redevelopment Area that are restricted to occupancy solely by residents who must relocate due to demolition and construction or

households with incomes no higher than 30 percent of Median Income, and that satisfy the additional requirements of the Yesler Terrace Cooperative Agreement.

The Director may adopt further refinements or interpretations of the above definitions, consistent with the intent of the ordinance adopting these Policies.