

“SHINE”

Single-family Housing Improvements for Neighborhood Enhancement



City of Columbia, South Carolina

“SHINE” Program Policies and Procedures:

- Weatherization Program(WP)
- Major System Repair Replacement Program(MSRRP)
 - Minor Repair Program(-MRP)
 - Major Repair Program(+MRP)
 - Re-Build Program(RBP)
 - Trade-Up Program(TUP)

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Revision History

Date	Revision

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1.0 “SHINE” Program Overview

The City of Columbia’s “SHINE” [Single-family **H**ousing **I**mprovements for **N**eighborhood **E**nhancement] Program developed in the spring of 2022 to aid qualified homeowners with financial assistance for use in the preservation of aging housing stock in Columbia Neighborhoods. The program is for single-family (one-unit) owner occupied residences only! The program is a tiered program divided into six different categories to cover the various stages of disrepair that is unique to each home. Each individual program within “SHINE” is funded separately using available funding sources as is budgeted by the City each fiscal year. These individual programs are available to homeowners on a “first come, first qualified, first served” basis as funding is available with priority given to the target areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). The City’s Community Development Department administers the “SHINE” program. If applicant/homeowner has utilized any previous federal and/or City funded rehabilitation program, the conditions of funding for each program must have been satisfied in its entirety to include any occupancy time limits otherwise, applicant does not qualify for any of the “SHINE” programs. Applicants/homeowners that still have a loan obligation from a previous program or a HELP loan recipient will be evaluated on a case-by-case basis, and final approval to use program will be determined by the Loan Committee.

1.1 Program Descriptions

1.1.1 Weatherization Program (WP)

Overview and Delivery

The Weatherization Program (WP) provides up to \$10,000 for qualified energy saving items to LMI owner-occupied households. The International Property Maintenance Code and Existing Residential Building Code requirements adopted by the City of Columbia applies to all activities. All federally funded projects must meet HUD & EPA requirements for addressing lead-based paint in homes that test positive for lead-based paint. All homes built prior to 1978 that receive federal funding require testing for the presence of lead-based paint per HUD & EPA requirements. In all cases, sufficient federal and non-federal resources must be available to complete weatherization, lead-based paint hazards, and code items to City of Columbia and applicable HUD funding standards. Homeowner is responsible for all cost related to relocation as is required due to construction activities; all work shall address decent, safe, and sanitary conditions as defined by applicable funding source, City of Columbia Housing Standards.

Eligible Applicants

Eligibility requirements for participants in this program are:

- Must be LMI household 80% or below AMI
- Home must be owner-occupied at time of application
- Single Family one unit Residential dwelling must be located within Columbia City Incorporated Limits
- Applicant own and occupy the property as their primary residence for at least five consecutive years prior to the date application is submitted (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Home must have a clear title
- Home must have current homeowner insurance coverage
- Home must be in good condition as determined by City Staff thereby only requiring minimal code and HUD/EPA environmental repairs in addition to any of the weatherization improvements

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Ineligible Applicants

Ineligibility criteria for this program are:

- Household income exceeding LMI
- Homes that are not owner-occupied at time of application
- Homes located outside of Columbia City incorporated limits
- Homes located within a FEMA designated floodway hazard area
- Applicants that have owned the home for less than five years prior to application date
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program
- Homes without a clear title
- Mortgage in delinquent or in default
- Homes without homeowner insurance coverage
- Secondary homes and/or vacation homes
- Residential structures with more than one unit
- Rental Properties
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property

Prioritization of Applicants

Applications will be processed on a “first come, first qualified, first served” basis, with priority given to the target areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). The City’s Community Development Department Loan Committee must approve funding for each applicant. Applicant must sign grant award agreement prior to guarantee of funds.

Use of Funds

Funds are in the form of a direct grant agreement between the City and the applicant. The City will oversee construction and contractor payments.

The grant agreement will include the following obligations for applicant:

1. authorize payments directly to the contractor responsible for conducting any work;
2. repay the City should applicant vacate, sell or lease the property prior to term of grant agreement; and transfer of title/ownership to a non-LMI family member.

Monitoring

Monitoring of program compliance will be performed by the City’s Community Development compliance staff in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

Program Performance Period

- Application Open: June 1st
- Application Close: June 30
- Program Closeout: – June 30th of following year

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Qualified Energy Saving Items Are As Follows:

- Installation of ceiling insulation in order to achieve R-38 rating [at open/accessible spaces only]
- Installation of floor insulation in order to achieve R-19 rating [at open/accessible spaces only]
- Installation of attic ventilation [non-mechanical unless otherwise approved by City staff]
- Installation of minimum R-3 rated insulated attic tent at disappearing stair or R-30 insulated panel at attic scuttle door
- Installation of storm windows and/or storm doors; repair of existing storm windows and/or storm doors *Note: only severely damaged existing storm windows and/or storm doors may be replaced with new storm windows and/or storm doors*
- Installation of Energy Star® rated vinyl replacement windows at existing single-pane windows and/or at existing severely damaged dual pane windows. City Staff reserves the right to limit manufacturer/design/style of window in order to fit within reasonable cost for window
- Installation of Energy Star® rated exterior entrance door at severely damaged existing entrance doors City Staff reserves the right to limit manufacturer/design/style of door in order to fit within reasonable cost for door
- Installation of foam sealant at accessible cracks and/or openings throughout homes exterior envelope
- Installation of closed cell foam outlet, switch, cable, telephone, etc. insulating gaskets at all wall boxes

1.1.2 Major System Repair-Replacement Program (MSRRP)

Overview and Delivery

The Major System Repair-Replacement Program (MSRRP), administered by the City’s Community Development Department, will provide up to \$10,000 for the repair or replacement of a single qualified major system item at LMI owner-occupied households. The International Property Maintenance Code and Existing Residential Building Code requirements as adopted by the City of Columbia will be applied to all activities. All federally funded projects must meet HUD & EPA requirements for addressing lead-based paint in homes that test positive for lead-based paint. All homes built prior to 1978 that receive federal funding, shall be tested for the presence of lead-based paint per HUD & EPA requirements. In all cases, sufficient federal and non-federal resources must be available to complete replacement of the major system, lead-based paint hazards, and code items to City of Columbia and applicable HUD funding standards. Homeowner is responsible for all cost related to relocation as is required due to construction activities; all work shall address decent, safe, and sanitary conditions as defined by applicable funding source, City of Columbia Housing Standards.

Eligible Applicants

Eligibility requirements for participants in this program are:

- Must be LMI household 80% or below AMI
- Home must be owner-occupied at time of application
- Residential dwelling must be located within Columbia City Limits
- Applicant own and occupy the property as their primary residence for at least five consecutive years prior to the date application is submitted
- Applicant must have met affordability requirements or restrictive covenants as were in effect on home due to any previously used City of Columbia housing program (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Home must have a clear title
- Mortgage in delinquent or in default
- Home must have current homeowner insurance coverage
- Home must be in good condition as determined by City Staff thereby only requiring minimal code and HUD/EPA environmental repairs in addition to replacement of the major system item

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Ineligible Applicants

Ineligibility criteria for this program are:

- Household incomes exceeding 80% AMI
- Homes that are not owner-occupied at time of application
- Homes located outside of Columbia City limits
- Homes located within a FEMA designated floodway hazard area
- Applicants that have owned the home for less than five years prior to application date
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program.
- Homes without a clear title
- Mortgage in delinquent or in default
- Homes without homeowner insurance coverage
- Secondary homes and/or vacation homes
- Residential structures with more than one unit
- Rental properties
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property

Prioritization of Applicants

Applicants will be processed on a “first come, first qualified, first served” basis, with priority given to the target areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). Funding will not be guaranteed until the City of Columbia Loan Committee approves the cost of repairs. . Applicant must sign all grant agreement documents prior to guarantee of funds.

Use of Funds

Funds will be provided in the form of a direct grant agreement between the City and the applicant. The City will oversee construction and contractor payments.

The grant agreement will include obligations for applicant to:

1. authorize payments directly to the contractor responsible for conducting any work;
2. repay the City should applicant vacate, sell or lease the property prior to term of grant agreement; and transfer of title/ownership to a non LMI family member

Monitoring

The monitoring of program compliance will be performed by the City’s Community Development compliance staff in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

Program Performance Period

- Application Open: June 1st
- Application Close: June 30
- Program Closeout: June 30 of following year

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Qualified Major System Items are as follows:

- Replacement of existing roof shingles and accompanying components whenever roof shingles have less than five (5) years remaining life expectancy or the replacement of improperly installed shingles of any age. Evaluation of previously-mentioned conditions shall be conducted by City Staff.
- Repair of existing roofing material and accompanying components whenever roofing material has more than five (5) years remaining life expectancy [as determined by City staff].
- Replacement of heating & air unit(s) and/or ductwork whenever existing unit(s) are more than twenty-years old [as determined by City staff] or whenever unit is less than twenty-years old and City staff determines it more feasible to replace existing unit rather than repair the defective unit. New units shall be Energy Star® certified for Columbia, SC.; ductwork shall be insulated to R-8 and sealed at all seams with mastic and/or City approved sealant.
- Repair of existing heating & air unit(s) and/or ductwork whenever existing unit(s) are less than twenty-years old [as determined by City staff]. City staff reserves the option of replacing individual unit/component whenever determined to be a more feasible option.
- Replacement of water heater whenever existing unit is more than twenty-years old [as determined by City staff] or whenever City staff determines it more feasible to replace existing unit rather than repair the unit. New system may be Energy Star® certified for Columbia, SC.
- Repair of existing water heater whenever existing unit is less than twenty-years old [as determined by City staff]. City staff reserves the option of replacing water heater whenever determined to be a more feasible option.
- Installation or Replacement of main sewer line from house to City tap including tap fees for new installations.
- Repair or replacement [as determined by City staff] of septic tank or drain field at properties where City sewer is not available.
- Replacement of main water supply line from house to City tap.
- Repair of Main sewer and/or water line from house to street.

1.1.3 Minor Repair Program (-MRP)

The Minor Repair Program (-MRP), administered by the City’s Community Development Department, will provide up to \$24,999.00 for repairs at owner-occupied LMI households. The International Property Maintenance Code and Existing Residential Building Code requirements as adopted by the City of Columbia, will be applied to all activities. All federally funded projects must meet HUD & EPA requirements for addressing lead-based paint in homes that test positive for lead-based paint. All homes built prior to 1978 that receive federal funding, shall be tested for the presence of lead-based paint per HUD & EPA requirements. In all cases, sufficient federal and non-federal resources must be available to address required repairs to the home, address all lead-based paint hazards, and address code items to meet City of Columbia and applicable HUD funding standards. Homeowner is responsible for all cost related to relocation as is required due to construction activities; all work shall address decent, safe, and sanitary conditions as defined by applicable funding source, City of Columbia Housing Standards.

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Eligible Applicants

Eligibility requirements for participants in this program are:

- Must be LMI household 80% or below AMI
- Home must be owner-occupied at time of application
- Elderly, disabled and single female head of household with minor children will be prioritized for participation in the program
- Residential dwelling must be located within Columbia City Limits.
- Applicant own and occupy the property as their primary residence for at least five consecutive years prior to the date application is submitted
- Applicant must have met affordability requirements or restrictive covenants as were in effect on home due to any previously used City of Columbia housing program (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Home must have clear title
- Home must have homeowner insurance coverage.
- Home must be in fair condition as determined by City Staff thereby only requiring repairs estimated to cost less than \$24,999.00 including any code and/or environmental items

Ineligible Applicants

Ineligibility criteria for this program are:

- Households exceeding LMI
- Homes that are not owner-occupied at time of application
- Homes located outside of Columbia city limits.
- Homes located within a FEMA designated floodway hazard area
- Applicants that have owned the home for less than five years prior to application date.
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program
- Homes without clear title
- Mortgage in delinquent or in default
- Home must have homeowner insurance coverage
- Secondary homes and/or vacation homes
- Residential structures with more than one unit
- Rental properties
- Homes that are in poor condition as determined by City Staff thereby requiring repairs that are estimated to cost more than \$24,999.00 including any code and/or environmental items.
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property.

Prioritization of Applicants

Applicants will be processed on a “first come, first qualified, first served” basis. Funding will not be guaranteed until approval for the cost of repairs has been given by the City’s Community Development Department Loan Committee. Elderly, disabled, and female head of household with minor children will be prioritized for participation in the program therefore, a dual list of applicants will be maintained where those applicants not meeting the previously mentioned priority requirements will not be eligible until after all applicants meeting the priority requirements have been serviced during each program year.

Use of Funds

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Funds will be provided in the form of a direct grant agreement between the City and the applicant. The city will oversee construction and contractor payments.

The grant agreement will include obligations for applicant to:

1. authorize payments directly to the contractor responsible for conducting any work;
2. repay the City should applicant vacate, sell or lease the property prior to term of grant agreement; and transfer of title/ownership to a non LMI family member

Monitoring

Monitoring of program compliance will be performed by the City’s Community Development compliance staff in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

Program Performance Period

- Application Open: June 1st
- Application Close: June 30th
- Program Closeout: June 30 of following year

Eligible Repairs

City staff will conduct inspection of property and develop specifications detailing required repairs to the home based upon visual inspection, information provided by homeowner at time of inspection, and repairs required by code and/or environmental conditions.

1.1.4 Major Repair Program (+MRP)

The Major Repair Program (+MRP), administered by the City’s Community Development Department, will provide a minimum of \$25,000.00 and up to a maximum of \$50,000.00 for repairs at owner-occupied LMI households. The City’s Community Development Loan Committee reserves the right to authorize exceeding the maximum of \$50,000.00 on a “case by case” basis whenever a home is required to meet historic design criteria or whenever it is determined by City Staff that it is more feasible to repair the home instead of re-building. The International Property Maintenance Code and Existing Residential Building Code requirements as adopted by the City of Columbia will be applied to all activities. All federally funded projects must meet HUD & EPA requirements for addressing lead-based paint in homes that test positive for lead-based paint. All homes built prior to 1978 that receive federal funding, shall be tested for the presence of lead-based paint per HUD & EPA requirements. In all cases, sufficient federal and non-federal resources must be available to address required repairs to the home, address all lead-based paint hazards, and address code items to meet City of Columbia and applicable HUD funding standards. Homeowner is responsible for all cost related to relocation as is required due to construction activities; all work shall address decent, safe, and sanitary conditions as defined by applicable funding source, City of Columbia Housing Standards.

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Eligible Applicants

Eligibility requirements for participants in this program are:

- Must be LMI household at or below 80% AMI
- Home must be owner-occupied at time of application
- Elderly, disabled and female head of household with minor children will be prioritized for participation in the program
- Single-Family one unit Residential dwelling must be located within Columbia City Limits.
- Applicant own and occupy the property as their primary residence for at least five consecutive years prior to the date application is submitted
- Applicant must have met affordability requirements or restrictive covenants as were in effect on home due to any previously used City of Columbia housing program (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Home must have a clear title
- Home must have current homeowner insurance coverage
- Home must be in poor condition as determined by City Staff thereby requiring repairs that are estimated to cost between \$25,000.00 up to \$50,000.00 including any code and/or environmental items

Ineligible Applicants

Ineligibility criteria for this program are:

- Households exceeding 80% AMI
- Homes that are not owner-occupied at time of application.
- Homes located outside of Columbia city limits
- Homes located within a FEMA designated floodway hazard area
- Applicants that have owned the home for less than five years prior to application date.
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program.
- Homes without a clear title
- Mortgage in delinquent or in default
- Home must have current homeowner insurance coverage.
- Secondary homes and/or vacation homes.
- Residential structures with more than one unit.
- Rental properties.
- Homes that are in extreme disrepair as determined by City Staff thereby requiring repairs that are estimated to cost more than \$50,000.00 including any code and/or environmental items.
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property.

Prioritization of Applicants

Applicants will be processed on a “first come, first qualified, first served” basis, with priority given to the targeted areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). Funding will not be guaranteed until approval for the cost of repairs has been given by the City’s Community Development Department Loan Committee. Elderly, disabled, and female single head of household with minor children will be prioritized for participation in the program therefore, a dual list of applicants will be maintained where those applicants not meeting the previously mentioned priority requirements will not be eligible until after all applicants meeting the priority requirements have been serviced during each program year.

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Use of Funds

Funds will be provided in the form of a direct grant agreement between the City and the applicant. The city will oversee construction and contractor payments.

The grant agreement will include obligations for applicant to:

1. authorize payments directly to the contractor responsible for conducting any work;
2. repay the City should applicant vacate, sell or lease the property prior to term of grant agreement; and transfer of title/ownership to a non LMI family member

Monitoring

Monitoring of program compliance will be performed by the City’s Community Development compliance staff in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

Program Performance Period

- Application Open: June 1st
- Application Close: June 30th
- Program Closeout: June 30 of following year

Eligible Repairs

City staff will conduct inspection of property and develop specifications detailing required repairs to the home based upon visual inspection, information provided by homeowner at time of inspection, and repairs required by code and/or environmental conditions.

1.1.5 Re-Build Program (RBP) (BY CITY STAFF REFERRAL ONLY)

The Re-Build Program (RBP), administered by the City’s Community Development Department, will provide up to \$175,000.00 for demolition of existing home and construction of new home on existing site for qualified owner-occupied LMI households. The City’s Community Development Loan Committee reserves the right to authorize exceeding the maximum of \$175,000.00 on a “case by case” basis whenever a home is required to meet historic design criteria or whenever the combined cost of demolition and rebuilding exceeds City Staff estimates. New construction building codes as adopted by the City of Columbia will be applied to all activities. Homeowner is responsible for all cost related to relocation as is required due to construction activities; all work shall address decent, safe, and sanitary conditions as defined by applicable funding source, City of Columbia Housing Standards.

Eligible Applicants

Eligibility requirements for participants in this program are:

- Home must be located in a City of Columbia Target Area
- Total household income must be 50% or below of the AMI
- Home must be owner-occupied at time of application
- Applicant own and occupy the property as their primary residence for at least ten consecutive years prior to the date application is submitted
- Applicant must have met affordability requirements or restrictive covenants as were in effect on home due to any previously used City of Columbia housing program (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Elderly, disabled, and female head of household with minor children will be prioritized for participation in the program

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- Single Family one-unit Residential dwelling must be located within Columbia City Limits
- Home must be mortgage free and have a clear title
- **New** home must have homeowner insurance coverage
- Existing home must be beyond repair, as determined by City Staff, and in a condition where repairing the home would not be a cost-feasible option

Ineligible Applicants

Ineligibility criteria for this program are:

- Home located outside of City of Columbia Target area
- Households with income above 50% of the area median income
- Homes that are not owner-occupied at time of application
- Homes located outside of Columbia city limits.
- Homes located within a FEMA designated floodway hazard area
- Homes located on sites not suitable for rebuilding as determined by City Staff.
- Homes located on sites not meeting City of Columbia zoning requirements for re-building single-family structure.
- Applicants that have owned the home for less than five years prior to application date
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program
- Existing home with outstanding mortgage or without clear title
- Secondary homes and/or vacation homes
- Residential structures with more than one unit
- Rental properties
- Existing homes that are not in extreme disrepair as determined by City Staff
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property

Prioritization of Applicants

Applicants will be processed on a “first come, first qualified, first served” basis, with priority given to the target areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). Funding will not be guaranteed until the City’s Community Development Department Loan Committee approves the cost of the project. Elderly, disabled, and single female head of household will be prioritized for participation in the program therefore, a dual list of applicants will be maintained where those applicants not meeting the previously mentioned priority requirements will not be eligible until after all applicants meeting the priority requirements have been serviced during each program year

Use of Funds

Funds will be provided in the form of a direct grant agreement between the City and the applicant. The city will oversee construction and contractor payments.

The grant agreement will include obligations to:

1. authorize payments directly to the contractor responsible for conducting any work;
2. repay the City should applicant vacate, sell or lease the property prior to term of grant agreement; and transfer of title/ownership to a non LMI family member

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Monitoring

Monitoring of program compliance will be performed by the City’s Community Development compliance staff in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

Program Performance Period

- Open Date: July 1st [Applicants are placed into this program by City Staff based upon condition of home]
- Program Closeout: June 30th of following year

1.1.6 Trade-Up Program (TUP) (BY CITY STAFF REFERRAL ONLY)

The Trade-Up Program (TUP), administered by the City’s Community Development Department, will provide up to a maximum of \$50,000.00 for the purchase of applicant’s existing home with funds to be applied towards the applicant purchase of another home within the City of Columbia’s corporate limits. The City’s Community Development Loan Committee reserves the right to authorize exceeding the maximum purchase price of \$50,000.00 on a “case by case” basis whenever it is determined that purchasing the home is in the best interest of the City and overall community. Funds will be provided as a direct payment towards the purchase of applicant’s new home. All federally funded projects must meet HUD & EPA requirements for addressing lead-based paint in homes. Newly purchased home must be in decent, safe, and sanitary condition as defined by applicable funding source, City of Columbia Housing Standards.

Eligible Applicants

Eligibility requirements for participants in this program are:

- Must be LMI household 80% or below AMI
- Existing and proposed new residential dwellings must be located within Columbia City Limits.
- Existing home must be located in a City of Columbia designated target area.
- Applicant own and occupy the property as their primary residence for at least ten consecutive years prior to the date application is submitted
- Applicant must have met affordability requirements or restrictive covenants as were in effect on home due to any previously used City of Columbia housing program (excluding loan programs with open obligations & HELP Loan recipients subject to Loan Committee approval)
- Home must be mortgage free and have a clear title
- Applicant’s existing home must be beyond repair, as determined by City Staff, and in a condition where repairing the home would not be a cost-feasible option
- Applicant’s newly purchased home must be in decent, safe, and sanitary condition as required by funding source
- Applicant’s newly purchased home must be free of any lead-based paint hazards

Ineligible Applicants

Ineligibility criteria for this program are:

- Household incomes exceeding 80% AMI
- Existing and proposed new residential dwelling located outside of Columbia city limits
- Existing home located outside of a City of Columbia designated target area
- Homes located within a FEMA designated floodway hazard area
- Homes located on sites not suitable for rebuilding as determined by City Staff
- Homes located on sites not meeting City of Columbia zoning requirements for re-building single-family structure

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- Applicants that have owned the existing home for less than ten years prior to application date.
- Applicants that have not met affordability requirements or restrictive covenants as are in effect on home due to any previously used City of Columbia housing program.
- Existing home with outstanding mortgage or without clear title.
- Secondary homes and/or vacation homes.
- Residential structures with more than one unit.
- Rental properties.
- Homes that are not in extreme disrepair as determined by City Staff.
- Homes with excessive clutter and/or any other restrictive issues or actions preventing City Staff, inspectors, or contractors from conducting a full inspection of the property.

Prioritization of Applicants

Applicants will be processed on a “first come, first qualified, first served” basis, with priority given to the target areas as outlined in the City of Columbia 5 Year Consolidated Plan (2020-2024). Funding will not be guaranteed until City’s Community Development Department Loan Committee approves the purchase.

Use of Funds

Funds will be provided in the form of a direct payment toward purchase of new home and not made available until time of closing on applicant’s new home.

Monitoring

Monitoring of program compliance will be performed by the City’s Community Development compliance staff and the internal auditor in accordance with any executed grant agreements, covenants, and/or program policies and procedures.

2.0 Application and Program Eligibility Determination

2.1 Application Process

The application process for City housing programs is open to applicants as outlined under the program performance period. . At time of application, applicants requesting services for housing built pre-1978 are given and asked to verify receipt of the following pamphlets: *Protect your Family from Lead in your Home*, and *The Lead-Safe Certified Guide to Renovate Right*,

Acceptable homeowner applications must meet the following eligibility criteria:

- Property must be located within the incorporated city limits of Columbia
- Property must have been the homeowner’s primary residence as outlined under each program’s eligibility requirements at time of application is submitted to application date
- Homeowner must have been the owner of record as outlined under each program’s eligibility requirements at time of application is submitted and continue to be the owner throughout the grant compliance period set by the City.

The following information is collected for all applicants:

- Household composition (names & ages of everyone living in the unit including unrelated members);
- Applicant’s household income;
- Household income as a percentage of AMI family income as defined by HUD;

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- The race and ethnicity of the head of household;
- The household’s familial status and any restrictions regarding the age or familial status of occupants;
- The presence of a household member with a disability and whether the housing unit is Americans Disability Act (ADA) accessible;

Once all information has been provided by applicant, City staff will make a preliminary determination if the application was complete and eligible.

One of the City’s most important goals is to assist LMI owner-occupied households. Some of the City housing programs require that priority be given to applicants who are elderly, disabled, and female head of households with minor children; and targeted areas as outlined in the City of Columbia 5-Year Consolidated Plan (2020-2024)

2.2 Eligible Structures

Single-family owner-occupied one-unit homes

2.3 Eligibility Determination and Documentation Requirements

2.3.1 Identification

Every applicant and co-applicant must present a valid picture identification. Acceptable forms of identification include:

- Driver’s License
- State Issued ID
- Passport/Passport Card
- State, Federal or other Photo ID acceptable to the program

2.3.2 Ownership

To be eligible for the program, the applicant must have owned the property as outlined under each program’s eligibility requirements at time of application is submitted and continue to own the property throughout the application and construction process. The grant will impose additional ownership and primary residency requirements based upon program. Acceptable documentation of ownership includes:

- Deed or Title in Applicant’s name
- Current Mortgage statement-cannot be delinquent or in default
- Life Estate – (*Applicant must listed in Estate as owner and home must be the primary and only residence of the applicant*)
- Act of Donation, Gift, Will
- Appraisal District/Property Tax record showing Homestead Exemption
- Affidavit of Heirship
- Affidavit of ownership if more than one name appears on the ownership documents

An individual with Power of Attorney (POA) for the owner occupant may complete the application on the applicant’s behalf. Allowable ownership arrangements include traditional fee simple ownership. Applicants with mortgages, including reverse mortgages, may be eligible.

2.3.3 Primary Residence

The property must have been the applicant’s primary residence as outlined under each program’s eligibility requirements at time of application is submitted and remain the primary residence throughout the application and construction period. The grant will impose an additional requirement that the applicant maintain the property as his/her primary residence throughout the duration of the programs affordability period.

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Acceptable documentation of primary residency includes any two of the following categories:

- Appraisal District/Property Tax record for required residency years
- Voter Registration issued prior to residency requirement
- Driver’s license issued prior to residency requirement
- Affidavit of Principal Residency with documentation (Utility bill for address in applicant’s name, voter registration, other documentation acceptable to program) for required residency years.
- Current Mortgage statement-cannot be delinquent or in default

2.3.4 Documentation of Income

The Homeowner shall provide documentation of household income for all adults 18 years of age or older that occupy the home at the time of eligibility determination. The preferred documentation is the most recent year’s tax return or a current Social Security award letter or other documentation of retirement income or annuity. If it is necessary to use paystubs and bank account records, three months of consecutive pay stubs and two months of bank statements for all checking and savings accounts must be produced for each occupant.

Homeowner certifies that he/she has provided complete, accurate, and current information regarding household income to demonstrate Homeowner’s eligibility to receive federal funds. The income limits utilized for the City housing programs are income limits established annually by HUD at the time of eligibility determination.

All acceptable income documentation is AS OF the date that the applicant was declared to be eligible for the program. City may require any of the following acceptable forms of income documentation:

- Most current 1040 as of date of eligibility determination
- Latest SSA/SSI or other benefits award letter
- Latest Disability, Pension or Annuity statements
- Last 2 months pay stubs
- 3 month’s bank statements
- Letter from employer stating wage and frequency of payments
- Verification of Zero Income - Required for any household member over 18 that states they have no income.
- Other forms of income include: unemployment, VA educational benefits, retained earnings in a company.

Note: All household members must be identified prior to determination of income eligibility.

2.3.5 Property Tax Status

Applicant must furnish evidence that property taxes are current or that one of the following alternatives have been met:

- The property owner qualified for and received a tax deferral as allowed under local tax code;
- The property owner qualified for and received a tax exemption pursuant to the local tax Code; or
- The applicant entered into a payment plan with the taxing authority and payments are current.

Support documentation verifying the tax deferral or tax exemption must be provided by the applicant. Property tax record data bases may be used to verify property tax status. Any applicant that enters into a payment plan must supply a signed copy of the payment plan from the taxing entity, along with documentation that they are current on their payment plan.

2.3.6 Proof of Insurance

Applicant shall furnish a copy of homeowner insurance policy. If the unit is located in the 100-year flood plain, flood insurance is mandatory. Assisted homeowners will be required to maintain flood insurance throughout

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the grant compliance period set by the City if the property is located in the 100-year flood plain.

2.4 Homeowner Obligations

The Homeowners assisted by these programs are required to retain the home as their principal residence for a period of affordability based on grant agreement after completion of repairs. The funding source for purchasing a new home shall define any term of residency requirement for the TUP (Trade Up Program). The award will be secured with a forgivable lien. Should the homeowner wish to sell the home at any point during this period, a pro rata share of the original loan amount must be paid back at the time of sale.

Homeowner must provide full access of the property to City Staff, inspectors, or contractors to allow for formulating a scope of work, inspecting for potential environmental hazards, and for inspecting the home for the purpose of submitting bids for the repairs to the home.

3.0 Underwriting

3.1 Title

A licensed title company will do a title search. A clear title is required. The title search will research the history of the property prior to the repair assessment. The company will look for encumbrances such as mortgages, claims, liens, easement rights, zoning ordinances, pending legal action, unpaid taxes, and restrictive covenants. After an acceptable title search and report, will determine if the title to the property is clear.

3.2 Credit Score

The credit score will be derived by examining the three (3) credit scores (Equifax, TransUnion, and Experian) from an applicant’s residential mortgage credit report. The middle score is selected out of the three (3). The minimum acceptable credit score is **500**, except in cases where no scores are available.

All judgements must be satisfied

A bankruptcy must be discharged for at least two (2) years and credit must be re-established. A written explanation that outlines the reason for the bankruptcy must be obtained from the applicant and must be acceptable to the participating bank and City of Columbia – Community Development.

Nontraditional Credit

Nontraditional credit may be used if the applicant’s credit report does not contain a credit score, due to insufficient credit, from all three (3) major credit repositories. **The credit report will specify whether a credit score could not be produced, due to insufficient credit, if that is the case.** The Loan Officer must confirm the accuracy of the borrower’s identifying information (i.e., the name, social security number, and address must thoroughly be examined to ensure that the report is not erroneous).

4.0 Environmental Review

4.1 Overview

Pursuant to environmental regulations (24 CFR Part 58) will document the following:

- Environmental review procedures set forth at 24 CFR part 58 will be completed for each activity (or project as defined in 24 CFR part 58), as applicable.
- Contracts will not be executed, and expenditures will not be approved until the environmental review is complete.

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Each property will undergo site-specific environmental review and a checklist will be produced for each property once the household has been determined to be eligible.

The City will follow the guidelines established in the *24 CFR Part 58 Compliance Guidebook* published by HUD Region VI in April 2014 to complete Environmental Review Records for each program activity.

The Program has complied with the statutory laws and authorities cited in §58.5 and with the requirements of §58.6, completing the Compliance Checklist related to Flood Disaster Protection; restrictions for a project located in Coastal Barrier Resource Areas; and buyer notifications if a project is located in a Runway Clear Zone or Clear Zone.

- Coastal Zone Management,
- Sole Source Aquifers,
- Endangered Species,
- Wild and Scenic Rivers,
- Air Quality,
- Farmland Protection,
- Noise Control and Abatement,
- Explosive and Flammable Operations, and
- Airport Hazards.

Site-specific environmental reviews will be completed for each property before executing a grant agreement or taking any *choice limiting actions*. *Choice limiting actions* include acquisition of real property; leasing property; rehabilitation, demolition, construction of buildings or structures; relocating buildings or structures, conversion of land or buildings/structures. The following environmental factors will be addressed for each individual property:

- Historic properties
- Floodplain management
- Wetland protection
- Contamination and toxic substances including Lead Based Paint, Asbestos and Mold
- Environmental Justice

4.2 Section 106 Historic Preservation Compliance Review

The City of Columbia has defined the Area of Potential Effects (APE) as any of the 15 historic preservation districts within the city limits. Section 106 reviews will be completed for all dwellings age 45 years or older when deemed eligible for assistance.

The City of Columbia and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that expedites consultation when rehabilitation activities conform to the original footprint and/or take place in previously disturbed soils.

4.3 Flood Plain

Homes located within a FEMA designated floodway hazard area are ineligible for the SHINE program.

4.4 Lead Based Paint

Congress passed the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, also known as Title X, to protect families from exposure to lead from paint, dust, and soil. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint (LBP) and lead-based paint hazards before the sale or lease of most housing built before 1978. Before execution of a grant agreement for HUD assisted City housing programs, homeowners must receive:

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- EPA-approved information pamphlets on identifying and controlling lead-based paint hazards “Protect Your Family from Lead in Your Home” and “The Lead-Safe Certified Guide to Renovate Right”
- Disclosure of information concerning LBP or lead-based paint hazards such as the location and condition of the painted surfaces.
- Reports on lead-based paint and/or lead-based paint hazards within 15 days of submission of the environmental contractor final laboratory report to the City.
- A signed and dated statement that the homeowner received required pamphlets and reports.

Homes built prior to 1978 or homes with an unknown date of construction must be inspected for hazards associated with the presence of lead-based paint or may be presumed to have lead-based paint hazards. If present, the City will comply with HUD’s Lead Safe Housing Rule, including possible removal of lead-based paint and providing lead paint hazard notifications and clearance examinations.

- The presence of Lead-Based Paint is a health risk to residents, particularly children and the elderly. Applicants may be required to temporarily relocate during repairs and construction if necessary.
- Compliance with federal lead paint requirements for rehabilitation projects may affect the project cost estimate, planning, and timeline therefore, the costs for required treatment of lead-based paint hazards will be included into the cost estimate for rehabilitation. All procedures will be documented in each project file.

Contractors must comply with any state or local laws or federal regulations governing environmental hazards and their remediation as well as all lead-based paint rules including occupant and worker protection during construction activities, post construction certifications, and a description of worksite cleaning methods used for each project. HUD assisted construction or rehabilitation of residential structures is subject to the Lead-Based Paint regulations, 24 CFR Part 35, the inspections and certifications required under section 35.14(f), and provisions for the elimination of lead-based paint hazards under subpart B.

Contractors shall comply with the provisions of Occupational Safety and Health Administration (OSHA) 29 CFR Part 1926, governing the protection of workers disturbing lead painted surfaces. These provisions include, but are not limited to the following:

- The contractor has received a copy of the Lead Paint Inspection Report identifying areas containing lead paint and documenting the content of lead on all painted surfaces to be disturbed.
- The contractor shall conduct air quality monitoring when appropriate for the type of activity to determine the level of worker protection required by OSHA. If air quality monitoring results exceed 30 ug/cu. for an 8-hour period, then worker blood testing and monitoring requirements provided in OSHA shall apply.
- The contractor shall provide personal protective equipment, including a respirator program, as appropriate to the type of job as required by OSHA.
- The contractor shall provide proper containment of the work site and clean the work site not less than daily to contain lead dust.
- The contractor shall make proper facilities available for worker hygiene when entering or exiting a work area.
- The contractor shall provide signage indicating the presence of a lead hazard when conducting work activities.
- The contractor shall ensure that specialized cleaning of containment areas is complete before the occupant reoccupies the house. For activities that remove identified lead hazards, the contractor shall ensure that specialized cleaning is adequate to meet clearance standards adopted by the U.S. Department of Housing and Urban Development (HUD).

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The following methods shall not be used to remove paint that is, or may be, lead-based paint:

- Open flame burning or torching.
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- Abrasive blasting or sandblasting without HEPA local exhaust control.
- Heat guns operating above 1100 degrees Fahrenheit or charring the paint.
- Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 ft. of electric outlets, or when treating defective paint spots totaling no more than 2 sq. ft. in one interior room or totaling no more than 20 sq. ft. on exterior surfaces.

Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with the regulations of the Consumer Product Safety Commission at 16 CFR 1500.3 and/or other hazardous chemical in accordance with OSHA regulations at 29 CFR 1910.1200 or 1926.59, as applicable to the work.

HUD’s lead-based paint regulations at 24 CFR Part 35 require, among other things, that lead hazard evaluation and reduction activities be carried out for buildings originally constructed before 1978 and receiving federal assistance. City of Columbia will contract with an environmental testing company, approved by EPA to conduct lead-based paint testing in compliance with 24 CFR Part 35 and 40 CFR part 745, to conduct LBP testing at all pre 1978 housing in order to designate any lead-based paint hazards.

- For any project that includes an existing building built prior to January 1, 1978, the application process shall include a discussion that establishes whether each such building is Target Housing (as defined in Part 35).
- City staff shall use the Lead-Safe Housing Rule (LSHR) Applicability Form and Screening Worksheets to determine if the property or project are exempt from the Rule. If upon initial view, the project is determined to be exempt from the Rule, staff will fill out and sign the LSHR Applicability Form listing approximate date home was constructed as determined by tax documents. Attach tax document/information to form and place in file.
- If the project is initially not exempt from the rule, staff shall proceed with obtaining lead-based paint test results in order to make a determination on required activity. Initial work write-up is forwarded to testing company to assist with determining area(s) to be tested for lead-based paint.
- Lead-based Paint Inspectors and Risk Assessors must be EPA certified to conduct evaluations. Staff assigned to field inspections shall possess HUD’s “Lead-Based Paint Visual Assessment Certification”. The following specific certification requirements apply to EPA certified evaluators (from 40 CFR 745.226):
 - Certified Paint Inspectors must:
 - Successfully complete an EPA accredited training program;
 - Pass the exam required by the certifying authority;
 - Apply for and be certified by the EPA.
 - Risk assessors must:
 - Successfully complete an EPA accredited training program;
 - Pass the exam required by the certifying authority;
 - Apply for and be certified by the EPA;
- An EPA certified Risk Assessor performs testing following EPA guidelines and forwards results to assigned staff. Upon receipt of test results, staff use the Screening Worksheet(s) to determine if project is exempt from the LSHR.
- For any proposed project that includes Target Housing:
 - Before construction begins, a Risk Assessment (to determine the existence of lead paint hazards, and if required by rule, to design a lead hazard control plan) must be completed by EPA certified inspection personnel in accordance with HUD’s regulations at 24 CFR Part 35.
 - An Inspection to determine the location of any lead-based paint is also required. The Inspection must identify the components that contain lead paint in sufficient detail to permit construction

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personnel to formulate a hazard control plan as required by rule.

- If project is exempt after testing:
 - staff will fill out and sign LSHR Applicability form,
 - sign all applicable Screening Worksheets, and
 - attach lead-based paint test result documentation to the Screening Worksheets.
 - Staff will fill out “Lead-based Paint Evaluation Notice” and forward notice and a copy of the LBP Risk Assessment to applicant. The applicant signs for receipt of all documents within fifteen days after staff receives results from LBP testing Company.
- If project is not exempt after testing:
 - staff will fill out the “Lead-Based Paint Relocation Screening Sheet for projects with Lead Hazard Reduction Activities” sheet and
 - “LBP Evaluation Notice” and forward to applicant along with copy of Risk Assessment and obtain signatures prior to placing documents in file(s).
 - Staff will place the signed LSHR Applicability form, signed applicable Screening Worksheets, test results, signed Lead-Based Paint Evaluation Notice”, and “Lead-Based Paint Relocation Screening Sheet for projects with Lead Hazard Reduction Activities” sheet in project file(s) and move forward with addressing any lead-based paint hazards noted on Risk Assessment [lead-paint test] as required by the LSHR.
 - City staff will update the initial Scope of Work to include activities required to address all lead-paint hazards as listed in Risk Assessment.
 - After the Scope of Work has been updated to include lead-paint hazard reduction requirements and the cost estimate for repairs, assigned staff will use the “Calculating Level of Federal Rehabilitation Assistance” worksheet(s) [Appendix: 1] to determine the total rehabilitation hard cost. The hard cost is then used to determine the level of hazard reduction that is required under the LSHR [Appendix: 1].
 - During the rehab, any Lead Hazards identified in the Risk Assessment must be corrected with interim controls and/or abated per LSHR, and all work must be performed by EPA-certified renovators and/or abatement contractors based upon level of “hard cost” assistance.
 - A lead hazard clearance report, based on dust testing by an EPA certified Risk Assessor or Paint Inspector, is required after completion of construction. Dust testing must be carried out, and evaluated, in accordance with HUD’s regulations at 24 CFR Part 35.

A copy of the Risk Assessment and/or Paint Inspection, & Clearance must be included in applicant’s file.

5.0 Repair Assessment

City Staff will conduct an initial inspection to determine what repairs are required at the home. The home must meet program standards once all repairs are final. Repairs must address code compliance items, the mitigation of any lead-based paint hazards, and meet the City’s Housing Standards. City Staff will draft a scope of work (SOW) document and establish an estimated cost of repairs (ECR). For housing built before 1978, a lead-based paint environmental testing company will use the initial SOW to determine which areas of the home will need to be tested. Once testing is complete, City Staff will update the SOW to include any required LBP mitigation items and will revise the ECR to reflect the updated cost for mitigation. Housing built after 1978 will utilize the initial SOW and ECR without conducting any LBP testing.

5.1 Repair Assessment Protocol

This section guides City staff with inspection protocols to assist with the preparation of an ECR / Scope write up. The purpose of procedures is to establish routineness and standardization when conducting assessments. The desired result of this process is to produce a complete ECR/Scope of Work as efficiently as possible with the

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highest degree of completeness and quality assurance for each housing project. Staff shall complete items as follows:

1. Verify receipt of Right of Entry [provided by applicants during the application/intake process].
2. Contact applicant to schedule site visit with a 72-hour notice given prior to the site visit. Scheduling will be made and tracked in the system of record (SOR). Applicant shall be present during site visit/inspection.
3. The inspector shall greet the applicant, present their photo ID badges, explain the purpose of the visit, and provide a brief overview of the inspection process. The inspector shall ask the applicant questions about the current condition or past history of the home as it relates to the major systems [plumbing, electric, roofing, etc.] within the home. Inspector shall answer any questions the applicant may have concerning the inspection visit and shall explain the next steps including the “estimating-to-construction” process.
4. After completing an exterior [including roof], attic, crawlspace [if applicable], and room-by-room assessment/inspection of the dwelling, record the quantities of eligible and damaged items throughout the structure and document needed repairs in accordance with requirements listed in the City housing program policies. Ensure that all proposed repairs are in-line with applicable local code and City Housing Standards.
5. Photograph each space of the dwelling to document the existing condition of each scope item that is determined. Photos shall include, reference photos from street, exterior photos with address verification, roof photos, attic photos, crawlspace photos [if applicable], and interior photos of each room. Photos shall document damaged and undamaged areas of the home.
6. The inspector shall measure and provide a sketch of the entire structure including each room or space in the house.
7. The on-site damage assessment is complete once all observed damages have been measured, quantified, and documented for inclusion in the SOW and ECR.
8. Draft initial SOW. Forward initial SOW on all pre-1978 housing units to environmental testing company if LSHR applies to project.
9. Upon receipt of results from any required environmental testing, update the initial SOW to include activities required to address all LBP hazards as listed in the environmental assessment report.
10. Calculating Federal Rehabilitation Assistance - After the SOW has been updated to include environmental hazard reduction requirements along with the ECR, use the “Calculating Level of Federal Rehabilitation Assistance” worksheet(s) [[Appendix: 1] to determine the total rehabilitation hard cost for any lead-based paint hazard reduction activities. Use the hard cost to determine the level of hazard reduction that is required under the LSHR [see [Appendix: 1].
11. Once specification writer completes the ECR / Scope write-up, a second member of City Staff reviews the documents for QA/QC. Following review, City Staff saves the documents into Share Point.

5.2 Determination of Program

City Staff will use the final SOW and ECR to determine if home qualifies for the applicants selected program. If the cost of the repairs is outside of the maximum limits for the applicants chosen program, City Staff may recommend that the applicant select another program. In some cases, City Staff may determine that the home will not fit within any available program. In such cases, the applicants file is determined to be inactive and effectively withdrawn. In such cases, the applicant is to receive written notification about the status of their application.

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5.3 Homeowner Review

Once City Staff confirms that repairs fit within applicants selected program, the City invites the applicant to meet with Staff in order to review and approve the SOW. City Staff may make changes to SOW as suggested by applicant if changes are within program guidelines. If the applicant refuses to accept the final scope as prepared by City Staff, the applicant may appeal to the Director of Office of Community Development. The Director of the Office of Community Development is the final arbiter of all disputes. The applicant, once again, is given a copy of the final SOW, including any changes required after Director’s review, for applicants final review and approval. If the applicant refuses to accept the SOW, the applicants file is determined to be inactive and effectively withdrawn. In such cases, the applicant is to receive written notification about the status of their application.

5.4 Voluntary Relocation

An applicant’s participation in the SHINE program is voluntary. Participation in the SHINE program, most likely, will require that the homeowner relocate during the time it takes to complete repairs to their home. Participation in the MRP and RBP of the SHINE program will always require relocation. It is the homeowners responsibility to find temporary housing if relocation is required by the selected program and the extent of repairs to the home. Relocation may include both temporary housing for the occupants of the home and temporary storage for the contents of the home. If relocation is required, the homeowner shall not reside at the home and shall not return contents to the home without receiving approval/clearance by the City of Columbia Community Development Department Staff. In addition, homeowner is restricted from visiting the home during construction activities unless accompanied by a member of City Staff or by a representative of the Contractor. Prior to re-occupation, a lead-based paint clearance examination must be conducted by an EPA approved technician and clearance achieved on all housing built before 1978 for any units deemed non-exempt to HUD’s Lead-Safe Housing Rule if the project receives federal funding.

5.4.1 Voluntary Relocation Appeal Process

In extraordinary circumstances, applicant may request assistance with relocation costs by appealing to the City of Columbia Community Development Department Loan Committee. Appeal must be in writing and signed by applicant. The following conditions and/or information must in place in order to appeal for relocation assistance:

1. Total household income must be 50% or below of the area median income
2. Applicant must not have any relatives or friends that reside within the continental United States that are willing and have space to accommodate occupants of the home. This includes the act of housing adults in multiple housing units if needed in order to accommodate all occupants of the home.
3. Applicant must not have any members of a local Church congregation that are willing and have space to accommodate occupants of the home. This includes the act of housing adults in multiple housing units if needed in order to accommodate all occupants of the home.
4. Applicant must have resources available or be able to arrange to acquire lodging and/or storage space on a reimbursement basis.
5. Applicant must provide breakdown of estimated lodging and/or storage cost along with location of facility providing service.

5.4.2 Voluntary Relocation Reimbursement Process

If temporary relocation and/or storage cost is granted by the City of Columbia Community Development Department Loan Committee, the City will provide reimbursement to the applicant for the cost of lodging and/or storage at any commercial residency and/or storage facility/unit located within Richland or Lexington Counties of South Carolina. Reimbursement cost shall be up to and including the amounts granted by the Loan Committee. Reimbursement for cost of commercial truck rental is an approved expense if homeowner

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selects “site based” rental facility instead of using the portable “pod” system for storage. Reimbursement for lodging or storage at any private residency is not an allowable expense. Reimbursement for labor to move contents in and out of home is not an allowable expense. Applicant must provide copies of paid receipt(s) from service provider(s) in order to receive reimbursement. Costs related to voluntary relocation will NOT be included in the calculation of the applicant’s forgivable loan amount.

6.0 Bid Process and Contractor Selection

Homeowner has the option of contacting contractors and receiving bids for the repairs or construction of their home or homeowner may elect to have City Staff conduct the bidding process.

If the homeowner conducts the bidding process, they shall follow the procedures outlined at section 6.1. If City Staff conducts the bidding process, procedures outlined at section 6.2 will be used to obtain bid.

6.1 Homeowner Bid Process

1. City of Columbia Staff will provide homeowner with five sets of bid packages outlining the SOW for the project.
2. Upon request, City Staff will provide a list of contractors to the homeowner for use in obtaining bids. The City of Columbia does not endorse the use of any particular contractor. Contractors on the previously mentioned list have completed an application and provided the City with proof that they meet the City’s requirements for licensing and insurance. Contractors may apply to be included on this list at any time during the year. The homeowner may use any contractor that meets City and program funding requirements regardless of whether the contractor is currently on the City’s contractor list.
3. The homeowner must obtain a minimum of three bids. Contractor must be licensed within the State of South Carolina to conduct repairs as listed in the SOW. Contractor must also have a business license to operate in appropriate trade within the City of Columbia. Contractor must have a minimum of \$300,000.00 in general liability coverage [additional coverage may be required for work involving hazardous materials or for larger jobs as determined by City].
4. The homeowner shall return all bids to the City of Columbia Community Development Department, 1401 Main Street, 4th floor, Columbia, SC 29201 in a timely fashion not to exceed thirty days from receipt of bid package.
5. City Staff will review all bids in order to make a determination on whether bids meet program guidelines. Bids shall fall within range of 10% higher or 10% lower than the ECR to give an effective range of 20%. If no bids fall within this range, the owner will have to obtain a minimum of three additional bids following the previously listed format. If no bids fall within the 20% range after bidding the project for a second time, City Staff will review the ECR for accuracy making any warranted changes. The newest version of the ECR will determine bid eligibility. If no changes are warranted, as determined by City Staff, the City of Columbia Community Development Loan Committee, at their discretion, may determine eligibility of a contractor based upon what they feel is the lowest most responsive and responsible bid for the project. The homeowner may use the contractor recommended by City Staff and/or the loan committee or the homeowner may elect to use one of the other qualified contractors. If the homeowner elects to use a contractor other than the recommendation submitted by the City, the homeowner will be responsible for payment of any funds in excess of the bid amount as was recommended by the City. If homeowner elects to use a contractor whose bid is less than 10% of the ECR, the contractor must provide City Staff with an itemized labor, material, and overhead/profit cost breakdown for each line item of the ECR. City Staff will review contractor’s information and forward to

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City of Columbia Community Development Department Loan Committee for a final decision on whether low bidding contractor can contract the work.

6.2 City-Assisted Bid Process

1. The homeowner may opt to use services provided by the City to obtain bids for the repairs to their home. If homeowner selects this method of bidding, City Staff will conduct a pre-bid conference and bid opening as follows:
2. All contractors on “Community Development General Contractor List” invited to bid on the project. The City may use the US Postal Service and/or e-mail to deliver the formal letter invitation.
3. City Staff will conduct a “mandatory attendance” pre-bid conference at the home site where staff will read the entire specification write-up and answer any questions about the write-up. If needed, an addendum to the specification write-up will address any changes discussed during the pre-bid conference and will be forwarded to any contractor in attendance of the pre-bid conference.
4. City Staff will administer a bid opening on date and at location as listed in the invitation to bid letter. City Staff will remind contractors of the bid opening date and location during the mandatory pre-bid conference.
5. City Staff will open, read aloud, and record all bids. City Staff will review all bids for accuracy prior to the homeowner selecting the contractor from eligible bids received.
6. Eligible bids shall fall within range of 10% higher or 10% lower than the ECR to give an effective range of 20%. If no bids fall within this range, the project is “re-bid” following the previously listed format. If no bids fall within the 20% range after bidding the project for a second time, City Staff will review the ECR for accuracy to determine if any changes are justified. Staff will update the ECR to include any justified changes. Eligible bids are determined using the new updated ECR. If no changes to ECR are justified, the City of Columbia Community Development Loan Committee, at their discretion, may determine eligibility of a contractor based upon what they feel is the lowest most responsive and responsible bid for the project. The homeowner may use the contractor recommended by City Staff and/or the loan committee or the homeowner may elect to use one of the other qualified contractors. If the homeowner elects to use a contractor other than the recommendation submitted by the City, the homeowner will be responsible for payment of any funds in excess of the bid amount as was recommended by the City. If homeowner elects to use a contractor whose bid is less than 10% of the ECR, the contractor must provide City Staff with an itemized labor, material, and overhead/profit cost breakdown for each line item of the ECR. City Staff will review contractor’s information and forward to City of Columbia Community Development Department Loan Committee for a final decision on whether low bidding contractor can contract the work.

6.3 Loan Committee

The Loan Committee has final authority in all matters regarding the approval or denial of loans through the CDD, and only the Loan Committee may revise those decisions. The Loan Committee will also approve loan applications from the City’s Development Corporations as well as other entities requesting loans for residential development in accordance with HOME, CDBG, and the City’s Revolving Loan General Fund requirements.

6.3.1 Structure and Responsibilities of Loan Committee Members:

The Loan Committee is responsible for the final approval or denial of all loan applications that meet minimum underwriting guidelines. Given the necessary documentation, waivers of program guidelines may be granted for hardship cases. The committee shall consist of the following three (3) members or their designee:

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- **City Manager or designee**
- **Assistant City Manager in charge of Community Development or designee**
- **Finance Director**

6.3.2 Terms of Service:

Loan Committee members shall serve for three (3) year terms with terms being staggered. Loan Committee members can serve two (2) consecutive three (3) year terms, after which they must retire from the committee. Newly appointed members are required to attend four (4) Loan Committee meetings with current members to observe the structure of meetings and learn the housing policy and its procedures.

6.3.3 Loan Service Area:

The Loan Committee – with consensus from city administration – will exercise its judgment in approving, denying, or modifying loan requests for housing programs within the city limits of Columbia, S.C., or other specified areas.

6.3.4 Loan Exceptions

The Loan Committee has the authority to use its judgment to waive any requirements, as long as it does not result in the violation of any federal, state, or local laws. Those waivers must be justified, documented, and signed by the committee members. Its decision takes into account that the Program Manager of Housing is presenting the loan in good faith based on approved underwriting guidelines.

6.3.5 Loan Adjustments after Loan Committee Approval

At times, the City’s loan amount may be adjusted due to a change in the sales price, after Loan Committee approval, but before closing on the loan. In this situation, the Director of Community Development has the authority to approve and adjust a new loan amount request by \$5,000.00 above or below the original amount approved by Loan Committee.

6.4 Signing of Contract

Once the homeowner has selected a contractor from the pool of eligible bids, City Staff will draft a contract between the homeowner and chosen contractor [see sample contract [Appendix -3] and forward the contract and attachment(s) to the homeowner and to the contractor for review. Next, City Staff will set up an appointment between the homeowner, contractor, and City so that the contents of the contract can be discussed in detail and any questions answered by City Staff. If approved of by all parties, the homeowner and contractor sign and initial the contract documents with City Staff as witness. All contracts are contingent upon funding approval by the City of Columbia Community Development Department Loan Committee and upon homeowner signing the grant agreement, subrogation agreement, and covenant (if needed) specifying the final award [see section 1.9.1].

6.5 Award and Loan Signing

The City prepares a grant agreement, subrogation agreement, and covenant (if needed) specifying the final award and the Director of the Office of Community Development signs the document(s). The Agreement will also include standard language affirming the Program is acting in the best interest of the property owner and the owner holds the City harmless. City Staff will explain the loan forgiveness criteria. The loan forgiveness will be based on the loan terms and annually a percent of the loan amount will be forgiven in incremental percentage (%) per the number of years of affordability. Loan terms will be based on the date homeowner’s final acceptance and approval for final payment to contractor. The repayment amount becomes zero as long as the homeowner retains the property for the duration of the loan agreement. The City will place a lien on the property to secure the grant, and a covenant should flood insurance be required to be maintained.

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City will review the documents with homeowner to ensure there is a full understanding of their commitment. Homeowner signs documents witnessed by notary. City Staff prepares and the homeowner signs, a proceed order authorizing the contractor to start work. A copy of all documents are provided to homeowner and the original documents retained by City for filing. City Staff will deliver one copy of pertinent documents to County Clerk for filing to memorialize the lien, and any restrictive covenants, placed on the property. City Staff will complete final reconciliation once the job is 100% complete, and the final construction invoices submitted.

No funding can go directly to homeowners unless associated with reimbursement for relocation cost and only after approved by The City of Columbia Community Development Department Loan Committee. Loan proceeds can only pay contractor costs and any associated cost as determined by City of Columbia Community Development Staff.

Assistance needs are calculated at a point in time. As a result, subsequent circumstances may occur that affect the need. If, after the assistance is calculated and/or an award has been made, a change in circumstances occurs, the award calculation may be reevaluated.

Such changes in circumstance include

- vandalism,
- an increase in the cost of materials or labor,
- a change in local zoning law or building codes, or
- subsequent damage to a home that was partially repaired
- Death of applicant

The reevaluation is at the sole discretion of City of Columbia Community Development Department Staff with approval by signature of the Director of Community Development. The reevaluation must be completed before the initial need for which assistance was granted has been fully met (e.g., before a damaged house is fully repaired). Unless an additional need is established, funds must be recaptured to the extent they are in excess of the need and duplicate other assistance received by the beneficiary for the same purpose. Protocols for recapturing assistance are mandatory, will be included in the Loan Agreement, and must be effectively communicated, orally and written, to applicants during this process.

Should applicant's death occur before a Notice to Proceed is issued to contractor, the grant agreement is effectively terminated and the applicants file is withdrawn from program.

If funding source guidelines and/or program policies and procedures do not allow funding for all repairs as are desired by the homeowner, the homeowner has the option of providing private funding for the cost of any desired repairs. In such cases, the homeowner must provide a certified check made payable to the selected contractor for the cost of the ineligible repairs. Homeowner shall deliver check to the City prior to the City issuing the NTP to the contractor. City will disburse check to contractor once the covered repairs are complete.

6.6 Recapture Provisions

The grant and subrogation agreement between the homeowner and the City of Columbia will impose the recapture requirements for the SHINE Programs. These enforcement mechanisms ensure that the City recaptures the financial assistance provided if the property owner fails to meet program requirements for the duration of the recapture agreement.

The recapture requires that all or a portion of the direct subsidy provided to the applicant be recaptured from the net proceeds of the sale of the property. Imposed provisions are for the duration of the period of affordability through a written agreement with the homeowner and enforced via lien, deed restrictions, and/or covenants running with the land. The transfer of title, either voluntary or involuntary, during the established period of affordability, may trigger these recapture provisions.

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If the homeowner sells or transfers the property for any period of time during the term of the grant agreement, repayment will be enforced. If the homeowner fails to meet any contractual obligations of the agreement, the homeowner will be determined to be in a state of noncompliance and City Staff will implement the following recapture procedure:

- Meet with the applicant to document the reason(s) for recapture.
- Issue a 60-day notice requiring full repayment, certification of compliance, or creation of a repayment plan approved by the City of Columbia.
- If a notice is returned, staff will take reasonable actions to locate the applicant
- Homeowner may be allowed to appeal the recapture based on the City’s appeal process. City Staff will gather additional information regarding the appeal and make a determination. The City of Columbia Community Development Department Director will make the final appeal decision.
- If fraud is suspected, the file will be submitted to the Office of the State’s Attorney immediately.

6.7 Homeowner and Contractor Responsibilities

6.7.1 Homeowner Responsibilities

1. Homeowner shall acknowledge receipt of the pamphlets “Protect Your Family from Lead in Your Home” and “The Lead-Safe Certified Guide to Renovate Right” for all housing built prior to 1978.
2. Homeowner shall make themselves and their home available to City of Columbia Staff so that Staff may conduct inspections during normal operating hours [Monday thru Friday 8:00-5:00]. Prior to the inspection, the homeowner shall make sure that all areas of the home are accessible to the inspector and that any dogs are secured and/or restrained outside of inspection area.
3. Homeowner shall be prepared to answer any questions that the inspector may have and/or should be prepared to share any questions or concerns that they, as the homeowner, may have concerning the rehabilitation of their home.
4. Once the construction schedule has been determined, respond promptly to requests to vacate the property, move/remove contents, or other actions as required by activities and as requested by City.
5. Homeowner is responsible for insuring contractor has access to the home as agreed upon in contract.
6. Homeowner is responsible for selecting, in a timely fashion, all items as listed in contract.
7. Homeowner is responsible for contacting contractor to resolve any issues or concerns that may arise during the course of work. Homeowner is to restrain from speaking with sub-contractors, workers, etc. on site about any concerns with workmanship unless contractor has indicated that a certain person or persons on site can interact with the homeowner on the behalf and in the absence of said contractor.
8. Homeowner shall indicate in writing any unresolved issues or concerns that they may have with the contractor and forward the document to City of Columbia Staff. City Staff will review the document and issue a response in writing within one week from date of receipt. If unresolved issues results in arbitration, homeowner and contractor shall share the cost for said arbitrator.
9. Homeowner shall be available for and respond to City of Columbia Staff request for owner to sign contractor draw request as compiled by City Staff. Owner may decline signing the draw request but must provide letter to City stating why the owner is refusing to sign the paperwork. City Staff must issue a “stop work order” to contractor as soon as payments to contractor stop.

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10. Owner must allow City Staff to conduct inspections throughout rehabilitation process during normal business hours as stated above. Homeowner must allow follow-up inspections as required by agreement with City of Columbia.
11. Homeowner must provide utilities as required by contract.
12. Homeowner must comply with all lead-based paint rules and regulations as required by HUD and administered by the contractor and as overseen by the City of Columbia to include completing paperwork in a timely fashion. If relocation is required, homeowner must vacate home and not return to site until authorized to do so by official notice issued by City Staff
13. Homeowner must be available for and respond to City of Columbia Staff request for owner to approve of and sign any change order to contract. Homeowner must render payment in the form of a certified check or an approved alternate method of payment [as approved of by City of Columbia Staff] for any cost not covered by lender [payment must be rendered upon signing of change order].
14. When applicable, homeowner must transfer all utilities or services that are exclusive to the rehabilitated property into their name within seventy-two hours after notice by City of Columbia Staff.

6.7.2 Administrative Withdrawal from the Program

Homeowners who fail to cooperate with program staff requests, or who are unresponsive to letters or other program communications, will be sent a Certified Letter giving them five (5) days to contact the program and/or respond to specific requests. If no response is received, at the end of the five-day period, the homeowner will receive another Certified Letter administratively withdrawing them from the Program and notifying them they are no longer eligible to be assisted.

6.7.3 Contractor Responsibilities

1. Contractor shall sign and date, in a timely fashion, all paperwork to include contract, SOW, notice to proceed order, and any addendum or change order paperwork.
2. Contractor shall give homeowner at least one-week notice prior to starting any work, at least seventy-two-hour notice prior to the need for selection of any product or color, and notice as required by law or regulation for any lead-based paint related activities.
3. Contractor shall make sure that worksite is clean and safe at all times and that gates, doors, etc. remain shut and/or locked whenever not in use. If at any time the contractor leaves premises unattended, he shall make sure that house is secure.
4. Contractor shall complete all repairs in a safe and timely fashion and shall only work during daylight hours as agreed upon with homeowner in advance of signing contract.
5. Contractor shall not park vehicles, heavy equipment, dumpster, etc. on property unless homeowner has agreed to a designated area for these items to be parked and with the understanding that the contractor will be responsible for any cost or repairs to the designated area should any damage be incurred by parking in this area.
6. Contractor shall provide written warranties and guarantees for all major building products and/or appliances to homeowner with copies to City of Columbia upon completion of work.
7. Contractor must provide a one year written warranty to homeowner that covers all material and labor cost for work performed on site per contract. Warranty shall expire one year after homeowner signature date

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on final draw request paperwork.

8. Contractor shall provide lien-releases from all major sub-contractors to include at a minimum any plumber, electrician, roofer, or heating & air company.
9. Contractor must comply with all lead-based paint rules and regulations as required by contract and/or Federal Law to include occupant and worker protection during construction activities.
10. Contractor shall provide all lead-based paint paperwork as required by Federal Law and the City of Columbia to include post construction worker certifications and an outline of worksite cleaning methods used for the project.
11. Contractor shall provide homeowner with emergency contact information as it relates to addressing construction related emergencies that occur after normal business hours [example: burst water line].
12. Contractor and/or employees or sub-contractors hired on behalf of Contractor shall not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the performance of work covered by contract.
13. Contractor and/or employees or sub-contractors hired on behalf of Contractor shall not be under the influence of any performance altering substance, drink, or medication during the performance of work covered by contract.
14. Contractor must honor the one-year warranty period for all work performed on subject property per contract. Failure of contractor to honor warranty obligations on any single property will trigger a one-year suspension of contractor by City, thereby, forbidding contractor from working on any City projects. The City will provide a written letter and a copy will be placed in the contractor’s file. Once suspension period is over, contractor may request reinstatement as an approved contractor for City projects. Contractor requesting reinstatement must complete the formal application and approval process as is required for any “new” contractor wishing to participate in City projects.
15. Contractor shall indicate in writing any unresolved issues or concerns that arise with the homeowner and forward the document to City of Columbia Staff. City Staff will review the document and issue a response in writing within one week from date of receipt. If unresolved issues results in arbitration, homeowner and contractor shall share the cost for said arbitrator.

7.0 Construction Phase

After the award and loan signing is complete and proceed order is signed by the homeowner, City Staff will contact the contractor to schedule a date for issuing the proceed order. Contractor may be given up to two weeks to arrange work schedule before having to meet to accept the proceed order. Proceed order shall be issued on site where City Staff will walk through SOW with Contractor prior to issuing proceed order. City Staff will note any changes to condition of property that has impact on the SOW and, if needed, a change order can be drafted that will cover any additional repairs needed at the home. The contractor and homeowner receive a copy of the signed change order and the original document placed in the master file.

7.1 Permits

The general contractor (GC) is responsible for documenting and obtaining all necessary permits for each project. GC must insure that all permits are on site in clear view during the timeframe of construction.

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7.2 Construction Oversight

The GC shall ensure work is complete per scope of work and per all applicable building codes and all Federal, State, and local municipalities: laws, regulations, ordinances, or codes.

GC should confirm that a copy of the Scope of Work (SOW) with any required plans is onsite and readily available for City Staff, inspectors, and sub-contractors to view.

7.3 Quality Control Inspections

The City’s Community Development Staff will perform inspections on a weekly basis at each active construction site. Each inspection will include inspection notes, photographs [when available], and reports uploaded into the system of record. The GC is responsible for scheduling and notifying the City’s Community Development Department Staff of any inspections required by City ordinances and/or Code Enforcement.

Inspections serve four primary purposes: 1) Evaluate the contractor's progress and confirm that work is on schedule; 2) Confirm that City inspection requirements have been satisfactorily met; 3) Confirm that all LSHR safety and confinement measures are in place at sites undergoing LBP hazard remediation activities; and 4) Confirm that all other contract requirements have been met. Staff assigned to field inspections shall possess HUD’s “Lead-Based Paint Visual Assessment Certification”. City Staff assigned to oversee construction activities must meet the City of Columbia minimum qualifications for employment.

7.4 Draw Requests

GC submits draw requests to City Staff on a schedule as outlined in contract. City Staff will respond to GC within 72 hours of draw request notice in order to schedule a site inspection of work in place. All areas of the home must be accessible and the contractor should be prepared to answer any questions concerning the construction and/or rehabilitation of the home.

If funding source guidelines and/or program policies and procedures do not allow funding for all repairs as are desired by the homeowner, the homeowner has the option of providing private funding for the cost of any desired repairs. In such cases, the homeowner must provide a certified check made payable to the selected contractor for the cost of the ineligible repairs. Homeowner shall deliver check to the City prior to the City issuing the NTP to the contractor. City will disburse check to contractor once the covered repairs are complete.

7.4.1 Interim Draws

City Staff will calculate interim draw amount based upon contract requirements and notify homeowner of amount for draw. City Staff will answer any questions and/or concerns from homeowner and if requested by homeowner, will make every attempt possible for homeowner to visit site.

*Some sites may not be accessible to City Staff and/or homeowner due to environmental confinement measures. If so, City Staff will observe activities from best vantage point available and may require that GC provide invoices and/or photo evidence for work is in place. Each draw request must include the following documents as listed in [Appendix 4 and 5]:

- Homeowner signature of approval
- Sub-contractor lien-waiver with payment breakdown
- GC unconditional release of lien for work to be paid
- Percentage of work in place clearly defined
- Signature of City Staff person conducting site draw inspection
- Invoices, receipts as needed

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7.4.2 Final Draw

City Staff will calculate final draw amount based upon contract requirements and notify homeowner of amount for draw. City Staff will answer any questions and/or concerns from homeowner and obtain signature of final approval. Contractor and sub-contractor(s) must provide Final Affidavit of lien [Contractor must provide an updated list of sub-contractors used on project if there are any changes from those listed in original contract documents] prior to final disbursement of funds.

7.5 Construction Change Orders

City of Columbia Staff will review all request for change orders to contract. Change orders are for hidden damages or unforeseen conditions, Example: termite damage inside of a wall that is not visible until after opening up wall. Approval of change orders is contingent upon availability of funds and is determined at the sole discretion of the City of Columbia Community Development Department Staff. Exception: Homeowner may approve and fund a change order but must deliver funds to City, in form of a certified check made payable to the contractor, prior to contractor starting any work covered by the change order.

Documentation of all change orders, along with the determination of “cost reasonableness” must be included in the applicant’s construction record.

Any work done prior to receipt of written approval of the change order will not be eligible for repayment.

7.6 Final Inspection and Project Close Out

Upon completion of all work including any environmental clearance testing and upon receipt of a final card or certificate of occupancy from City Code Inspector, GC shall notify City of Columbia Community Development Staff that project is ready for a final inspection. City Staff shall schedule final inspection within 72 hours of GC request for inspection. City Staff shall perform final inspection and verify that all line items in the SOW and on approved change order(s) are 100% complete as per contract. City Staff will collect all required documentation from contractor to include final approval by City’s Code Enforcement Officer along with any warranty and/or certification documents.

7.6.1 Punch List

If the project is not 100% complete as determined by City Staff whenever conducting the final inspection, City Staff will develop a punch list. A punch list constitutes the work necessary to complete the contract. If the punch list contains more than ten (10) items, the contractor is not ready for a final inspection and, at City Staff’s discretion; the final inspection terminated and re-scheduled once the GC is actually ready for an inspection.

7.6.2 Homeowner Walk-thru

Upon completion of work, City Staff shall schedule a Homeowner walk through with the GC. The walk through may be conducted simultaneously with the final inspection. Upon acceptance of work, the Homeowner and City Staff acknowledge, in writing, that the contract is satisfied and that work at the home is 100% complete.

7.6.3 Homeowner Warranties and Certifications

City Staff will deliver all warranties and instruction booklets for installed equipment to the homeowner with signature receipt along with providing homeowner copies of final inspection report and homeowners documented final acceptance of work. City Staff informs homeowner of GC one-year warranty expiration date and instructs

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homeowner to call GC for any covered warranty items. GC is to include contact information as part of one-year warranty paperwork.

7.6.4 Lead-Based Paint Clearance Testing

At the completion of repairs and after a thorough cleaning of site at any housing undergoing lead-hazard control measures, City Staff will contact a third-party testing company to conduct a lead-based paint clearance examination. An EPA Certified Lead-Based Paint Risk Assessor and/or Lead-Based Paint Inspector will conduct the clearance examination following EPA guidelines to ensure that the site is safe for the occupants to return to the home. Once clearance is accomplished, City Staff shall fill out “Re-Occupancy Authorization” form [Appendix - 2] and “Lead-based Paint Evaluation Notice” form [Appendix - 2] and attach copy of clearance test results to the form. One copy of previously mentioned documents shall be delivered to applicant, with receipt of notice, within fifteen days from Staff’s receipt of test results and a second copy shall be placed in applicants file.

After achieving LBP Clearance, City Staff shall confirm receipt of the following documents by Contractor prior to final payment / closeout of project:

- Protection of Occupants’ Belongings & Worksite Preparation for Projects with Lead Hazard Reduction Activities
- Lead Based Paint Renovation Recordkeeping Checklist
- Lead Based Paint Post Construction Safe Work Practices Certification
- Lead-Based Paint Contractor/Employee Certification of Worker Training

8.0 Warranty Issues and Construction Complaints

The General Contractor is responsible for addressing and correcting all warranty issues and construction complaints. Upon receipt of all warranty paperwork, City Staff instructs homeowner that, should any warranty issues arise within the GC one-year warranty period, the homeowner must contact the GC to inform him/her of the warranty issue. If homeowner contacts City Staff with information pertaining to warranty or construction complaints, Staff shall forward the information to the GC no later than one business day from receipt.

GC shall correct any warranty issue or construction complaint within seven business days of receiving the initial complaint. City Staff must document all reported issues in the applicant’s file within one business day of initial complaint, at every interval of the process involving communication with the citizen, and upon resolution. GC must contact homeowner within two business days from notice to confirm the issues and schedule corrective actions.

If GC is unable to correct issue within the designated timeframe, GC must notify City Staff via email to arrange an alternate timeline. If the GC identifies any failure pattern in products or services, they must notify City Staff of such pattern and the GC’s course of action for resolving the failure pattern within two business days.

If the GC believes that a warranty issue has been resolved but the homeowner has further concerns, the GC will forward the issue to City Staff for review and adjudication. The City of Columbia, Director of Community Development will be the final arbitrator in regards to any unresolved warranty issues or construction complaints.

9.0 Project Closeout

Once construction is complete, a final grant reconciliation will occur, to verify that applicant has not received any additional benefits. City Staff updates loan documents as required and an addendum to grant agreement is prepared and executed between the City and homeowner. City Staff reviews the requirements of the loan

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agreement with the homeowner, including the requirement to maintain house as primary residence for program required amount of years and to maintain flood insurance if required based upon property location.

The grant agreement will be filed with Richland County Register of Deeds. These documents serve as an alert to the program should a homeowner attempt to sell the property before the termination of the required recapture period.

9.1 Compliance and Monitoring

Before archiving a project file, there must be a final review by Compliance and Monitoring.

10. Federal Cross-Cutting Requirements

10.1 Anti- fraud, Waste and Abuse Compliance

The City of Columbia has established policies and procedures to prevent fraud, waste and abuse of funds. These procedures identify discrepancies and risks in information provided by third parties. Such discrepancies and risks may be indicative of fraud, waste, and abuse. By implementing these checks, city staff can verify the accuracy of information provided by program applicants, vendors, and sub-recipients. These systematic checks are conducted utilizing standardized research methodologies, which flag identification processes for consistency and equitable treatment across relevant sources

10.1.1 Program Applicants

The following checks apply to each applicant:

- Social Security Number Check (for relevant applicant types);
- Business status check (for relevant applicant types);
- Confirmation of association with property address;
- Check of relevant watch lists and debarment lists;
- Searches for State of South Carolina tax liens;
- Searches for federal tax liens filed in South Carolina.
- Richland County Tax Assessor’s records to determine the approximate year as to when applicant’s house was built

Adverse findings are communicated as necessary to the applicant. City Staff will utilize a clarification process to clear up or cure any discrepancies that the applicant may have with the results. In addition, deficient Anti-Fraud, Waste, and Abuse (AFWA) checks are reviewed by City Staff.

10.1.2 Vendors and Contractors

The City of Columbia staff will verify the accuracy of information provided by its vendors.

Prior to contract execution, the city’s procedures include, but are not limited to, reviewing debarment lists; searching known databases for information (for example: state of South Carolina tax liens and incorporation documents); conducting internet research, verifying licenses and contractor certifications, and obtaining information available from State and Federal agencies, such as substantiated investigative findings and audit reports. The City of Columbia staff has established regular channels of communication with other State and local government agencies who are contracting with various entities for services in order to be on guard for issues relating to contractor fraud, waste, and abuse. City Staff reports findings to city procurement staff.

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10.1.3 Sub-recipients

As it does with its vendors, the City of Columbia reviews debarment lists and known databases, conducts internet research, and obtains information available from State and Federal agencies, prior to executing agreements with sub-recipients. City Staff reports findings to the City’s procurement staff.

10.1.4 Segregation of Duties in City Procurement Policies

Segregation of duties is a vital and critical measure used for effective internal controls in citywide procurement and contracting operations and ensures the integrity of the business process. These measures are in place to further reduce the risk of both erroneous and inappropriate actions, deter fraud and fraudulent act. Segregation of duties is a deterrent to fraud and fraudulent acts. A person with multiple functional roles has a greater opportunity to abuse their powers within an organization. Separate functions at the City of Columbia include, but may not be limited to, the clear separation of purchasing and finance roles. This also includes a separation of receiving (custody) of assets and recording, payments, monitoring and reviewer approval roles. Examples of segregation of duties are as follows:

- The person who requisitions the purchase of goods or services is not the person who creates the purchase order or approves the purchase;
- The person who approves the purchase of goods or services is not the person who processes the invoices for payment;
- The person receiving on an invoice is not the same individual creating the Purchase Order;
- The person who approves the purchase of goods or services is not able to obtain custody of checks to the recipient;
- The person who opens the mail does not handle fixed assets, invoicing, checks, etc.

10.1.5 Inter-Departmental Coordination

Effective coordination between city departments and personnel enables all programs, vendors administering city programs, departments, and sub-recipients to comply with applicable State and federal regulations, prevent and minimize fraud, waste and abuse, and effectively fulfill the goals set forth by the city. The Community Development Department, in conjunction with Procurement, Finance, Internal Auditor’s Office, and the City Attorney Office, perform the following tasks:

- Gauge the overall progress and effectiveness of project implementation;
- Identify issues that may compromise program integrity, fund, and service delivery;
- Work with program and operational staff to implement corrective action and resolutions;
- Oversee the implementation of the city’s recapture process;
- Provide information and input on how city programs and practices can be improved and enhanced to improve performance, efficiency, and curtail waste, fraud, and abuse; and
- Serve as a layer of oversight to mitigate any potential risks, proactively detect and investigate potential fraud, and identify areas in which to strengthen program capacity and the quality of service delivery.

10.2 Conflict of Interest

No person who is an employee, agent, consultant, officer, or elected official or appointed official of the City as Recipient, or of any designated public agencies, or of Contractor or Sub-recipient who exercises or has exercised any functions or responsibilities with respect to activities assisted pursuant to Part 570.611, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from an assisted activity, or have a financial interest in any contract, subcontract, or Agreement with respect to an assisted activity, or with respect to the proceeds of an assisted

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activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

10.3 Files, Records and Reports

In compliance with 24 CFR 570.506 the City has established the following record keeping procedures for its housing programs to ensure that HUD record keeping requirements are met. These procedures are communicated to staff on an as-needed basis and have been addressed verbally and in writing during interdepartmental training sessions and meetings.

Records maintained by the City of Columbia to demonstrate compliance with these policies and procedures are confidential and shall not be made public unless required by law. Only authorized City staff or HUD will have access to them; however, upon written request the City may give applicants, or an applicant's designated representative, the opportunity to inspect and copy, during normal business hours, all records pertinent to his/her case, except materials classified as confidential. The City may impose reasonable conditions on the applicant's right to inspect these records, consistent with applicable laws.

All pertinent records will be retained for a minimum of five years after the latest of:

- The date by which all payments have been received by persons displaced by the project;
- The date the project has been completed;
- The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved and final action taken; or
- For real property acquired with HUD funds, the date of final disposition (see 24 CFR 84.53 and 85.42).

Methods for collecting, transferring and storing information will be in accordance with the May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information (2 CFR 200.335). The City of Columbia will, whenever practicable, collect, transmit, and store HUD housing program related information in open and machine-readable formats rather than in closed formats or on paper, although HUD will accept paper versions upon request. If paper copies are submitted, no more than an original and two copies will be provided. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted provided they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.

10.3.1 Access to records

HUD, the Inspectors General, the Comptroller General of the United States or any of their authorized representatives must have the right of access to any City of Columbia housing program documents, papers, or other records to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to the City personnel for the purpose of interviews and discussion related to such documents. These rights of access last as long as the records are retained.

Records that document activities meet a national objective and can be classified as an eligible activity:

- Records must provide a full description of each activity assisted with federal dollars, including its location; the amount of funds budgeted, obligated and expended for the activity; and the eligible activity pertinent to §570.482.
- Records must demonstrate that each activity undertaken meets one of the national objectives set forth in §570.208.
- For each activity determined to benefit low- and moderate-income persons, records will indicate the income limits applied and the point in time when the benefit was determined.

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- For each activity determined to benefit low- and moderate-income persons based on the area served by the activity per HUD Notice CPD 05-06: The boundaries of the service area;
 - The income characteristics of families and unrelated individuals in the service area; and
 - If the percent of low- and moderate-income persons in the service area is less than 51 percent, data showing that the area qualifies under the exception criteria set forth at §570.208(a)(1)(ii).
- For each activity determined to benefit low and moderate income persons because the activity involves a facility or service designed for use by a limited clientele consisting exclusively or predominantly of low and moderate income persons, records will include:
 - Documentation establishing that the facility or service is designed for the particular needs of or used exclusively by senior citizens, adults meeting the Bureau of the Census' Current Population Reports definition of *severely disabled*, persons living with AIDS, battered spouses, abused children, the homeless, illiterate adults, or migrant farm workers, for which the regulations provide a presumption concerning the extent to which low- and moderate-income persons benefit; or
 - Documentation describing how the nature and, if applicable, the location of the facility or service establishes that it is used predominantly by low- and moderate-income persons; or
 - Data showing the size and annual income of the family of each person receiving the benefit.
- Records must demonstrate that the City of Columbia has made the determinations required as a condition of eligibility of certain activities
- Records must demonstrate compliance with §570.505 regarding any change of use of real property acquired or improved with federal assistance.
- Records must demonstrate compliance with the requirements in §570.606 regarding acquisition, displacement, relocation, and replacement housing.

10.3.2 Financial records in accordance with the requirements listed in 2 CFR 200 Subpart E – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

Grantees must maintain evidence to support how federal funds are expended including, to the extent applicable, invoices, schedules containing comparisons of budgeted amounts and actual expenditures, construction progress schedules signed by appropriate parties (e.g., general contractor and/or a project architect), and/or other documentation appropriate to the nature of the activity.

10.3.3 Fair housing and equal opportunity records

Fair housing and equal opportunity records will contain the following:

- Documentation of the analysis of impediments and the actions the City of Columbia has implemented with its housing and community development and other resources to remedy or ameliorate any impediments to fair housing choice.
- Data on the extent to which each racial and ethnic group and female-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with federal funds. Such information will be used only as a basis for further investigation of compliance with nondiscrimination requirements. No recipient is required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.
- Data on employment in each of the City's operating units funded in whole or in part with federal funds, with such data maintained in the categories prescribed on the Equal Employment Opportunity Commission's EEO-4 form; and documentation of any actions undertaken to assure equal employment opportunities to all persons regardless of race, color, national origin, sex or handicap in operating units funded in whole or in part under this part.
- Data indicating the race and ethnicity of households (and gender of single heads of households) Section the housing units to which each displaced household relocated. Such information will be used only as a

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basis for further investigation as to compliance with nondiscrimination requirements. No recipient is required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.

- Records will document actions undertaken to meet the requirements of §570.607(b) implementing Section 3 of the Housing Development Act of 1968, relative to the hiring and training of low- and moderate-income persons and the use of local businesses.
- Data indicating the racial and ethnic character of each business entity receiving a contract or subcontract of \$25,000 or more paid with federal funds,
- Data indicating which of those entities are women's business enterprises as defined in Executive Order 12138, the amount of the contract or subcontract, and documentation of recipient's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services. Such affirmative steps may include, but are not limited to, technical assistance open to all businesses but designed to enhance opportunities for these enterprises and special outreach efforts to inform them of contract opportunities. Such steps shall not include preferring any business in the award of any contract or subcontract solely or in part on the basis of race or gender.
- Documentation of the affirmative action measures Columbia has taken to overcome prior discrimination, where the courts or HUD have found that the Columbia has previously discriminated against persons on the ground of race, color, national origin or sex in administering a program or activity funded in whole or in part with federal funds.

10.3.4 Required Annual Reports

Program and Financial Reporting records are subject to § 570.507 as follows:

- The Director of Community Development and the Finance Director, or his/her designee, and the Community Development Administrator shall ensure that SF 425 and SF 425-A, the Quarterly Federal Financial Report, are filed accurately and in a timely manner.
- The Human Resources Director, or his/her designee, and the Community Development Administrator shall submit to HUD each year a report (HUD/EEO-4) on recipient employment containing data as of June 30. The Finance Officer and the Community Development Administrator shall ensure that HUD forms 60002 (Section 3 Summary Report), 2516 (MBE Contract Activity) and 4710 (Labor Standards) are filed correctly and in a timely manner.
- The Finance Officer shall also ensure that reporting requirements of the FFATA Act of 2009 are completed including reporting to FederalReporting.Gov.
- The Finance Officer and the Community Development Administrator will submit other reports and information determined necessary to perform its responsibilities.
- The Community Development staff will work with all sub-recipients to ensure they understand reporting requirements, with the understanding that the City and sub-recipients share joint responsibility for implementing activities in conformance with federal requirements. Sub-recipients shall demonstrate the achievement of program goals and the completion of activities on a monthly basis. All requests for reimbursement will have adequate documentation of how federal funds were used and that funds were used only for eligible activities.
- The Community Development Administrator, the Community Development Coordinator, and the Senior Finance Accountant will ensure that federal expenditures are drawn down on a regular basis and not less than monthly.

10.3.5 Non-Discrimination (Fair Housing and Equal Opportunity) by Sub-recipients

The City will incorporate the following additional record keeping requirements per § 570.600 through § 570.614 as applicable.

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- As a recipient of federal funds the City will ensure that sub-recipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.
- Programs may target particular groups for services without violating guidelines regarding equal access to services, as long as any member of a particular group – e.g., any senior for a senior services program, any school-age child for a neighborhood-based afterschool program – is able to participate in the program. The City shall ensure that provisions of Executive Order No. 11246 of September 24, 1965 regarding Equal Employment Opportunity are carried out on all federally funded projects or activities, and that sub-recipients agree to and abide by federal (FHEO) and state (SC) fair housing and equal opportunity requirements for non-discrimination with regard to access to services or housing provided by a sub-recipient. The City will further ensure that provisions of Executive Order 13166, *Improving Access to Services by Persons with Limited English Proficiency*, are carried out by sub-recipients to improve access to City housing programs and activities by eligible persons with limited English proficiency (LEP). The City and all sub-recipients shall adhere to Section 109 of the Act (§ 570.602), which requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs.
- The City shall abide by HUD regulations in Section 504, HUD’s implementation of the American with Disabilities Act, to ensure that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds. The City shall include monitoring for Section 504 compliance as part of the annual monitoring of sub-recipients participating in federally funded housing programs. Monitoring shall include inspection of facilities in which federally funded programs are offered to ensure that the facilities are accessible to persons with disabilities.

10.3.6 Labor Standards Records

Labor records (§570.603) will indicate that when federal funds in excess of \$2,000 are allocated for construction projects, the sub-recipient and any contractor(s) shall abide by Davis Bacon and Related Acts (DBRA) for prevailing wages and Section 3 economic opportunities for low and very low-income persons as required by Davis Bacon and related Acts. Documentation that guidance is provided to sub-recipients and contractors regarding DBRA and Section 3 requirements, including wage determinations, as applicable should be included in program files.

10.4 Section 3 Compliance and Reporting

Section 3 requirements are triggered whenever the need for new employment, contracting or subcontracting is established for federally funded projects involving the construction or rehabilitation of housing, or other public construction projects, valued at \$200,000 or more and contracts of \$100,000 or more. Section 3 regulations apply to construction and professional services contracts alike and cover the entire project regardless of whether it is fully or partially funded by HUD.

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The City of Columbia requires its contractors to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment. The City implements this policy by awarding contracts to contractors, vendors, and suppliers who create employment and business opportunities for qualified low and very low-income residents.

10.4.1 Procurement and Contracting

The City of Columbia has incorporated Section 3 procedures into its housing programs Procurement Policy and requires a Section 3 clause be included in all procurements generated for use with HUD funding. This policy establishes employment and training goals that contractors and subcontractors should meet to comply with Section 3 requirements.

The numerical goals: *Ten percent (10%) of the aggregate number of new hires in any fiscal year.*

A Section 3 job qualifies if the wages or salary is at or below the annual income of a one-person household at 80% of Area Median Income (AMI).

It is the responsibility of contractors, vendors and suppliers to implement progressive efforts to attain Section 3 compliance. Any contractor that does not meet the Section 3 numerical goals must demonstrate why meeting the goals were not feasible. The City will actively ensure contractor and subcontractor compliance with Section 3 goals and responsibilities as follows:

- The Section 3 clause will appear in all applicable advertisements for bids and Requests for Qualifications and Proposals;
- The Section 3 clause and certifications will be included in all applicable construction contracts;
- Contractor eligibility and lack of debarment will be verified before a Notice of Award is issued.
- A discussion of Section 3 requirements will be part of the agenda for all pre-construction conferences.
- Contractors will certify that any vacant employment or training positions filled after the contract award, but before contract execution, were not filled to circumvent obligations under 24 CFR Part 135.
- Contractors will include the Section 3 clause in every subcontract of \$100,000 or more and will refrain from contracting with any firm known to be in violation of Section 3 regulations.
- Contractors and subcontractors will demonstrate and document good faith efforts to meet the numerical goals established by this Section 3 Plan.

Contractor compliance with Section 3 will be monitored and documented. The City will assist contractors with little or no experience in achieving Section 3 hiring and contracting goals by:

- Asking the contractor to present a list of the number of subcontracting and/or employment opportunities expected to be generated from the initial contract.
- Providing the contractor with a list of Section 3 business concerns interested and qualified for construction projects. (See Subcontractor Outreach Program, Ayesha Driggers, Compliance Administrator, 803-545-3049 or agdriggers@columbiasc.net, Department of Utilities and Engineering Compliance Office.)
- Reviewing the new hire clause with contractors and subcontractors to ensure the requirement is

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understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every feasible effort to employ Section 3 program participants before others when hiring employees needed to complete proposed work to be performed with HUD (federal) funds. Before submitting bids or proposals all contractors/businesses seeking Section 3 preference must complete certifications acknowledging the Section 3 contracting and employment provisions required by this section. Such certifications shall be supported with appropriate documentation.

- Informing the contractor of known issues that might affect Section 3 residents from performing job related duties.
- Any business seeking Section 3 preference in the award of contracts or purchase agreements with the City of Columbia must complete the Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability form, which can be obtained from the City’s Compliance Specialist. The business must be able to provide adequate documentation as evidence of eligibility for Section 3 preference.
- Certifications for Section 3 preference for business concerns must be submitted to the Section 3 Coordinator prior to the submission of bids for approval. If the Section 3 Coordinator previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid.
- The City will use the following methods to notify and contract with Section 3 business concerns when opportunities exist:
 - Advertise contracting opportunities via newspaper, mailings, and posting notices that provide general information about the work to be contracted and where to obtain additional information.
 - Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
 - Coordinate pre-bid meetings at which the Section 3 business concerns will be informed of upcoming contracting opportunities.
 - Conduct workshops on contracting procedures including bonding, insurance, and other pertinent requirements, in a timely manner to allow Section 3 business concerns the opportunity to take advantage of any upcoming contracting opportunities.
 - Contact business assistance agencies, Minority and Women’s Business Enterprise (M/WBE) associations and community organizations informing them of contracting opportunities and requesting their assistance in identifying Section 3 businesses.
 - Establish relationships with the Small Business Administration (SBA), Minority and Women’s Business Enterprise (M/WBE) associations, Community Development Corporations, and other sources to assist OBO in educating and mentoring residents with a desire to start their own businesses.
 - Seek referral sources to ensure job readiness for public housing residents through on the job training (OJT) and mentoring to obtain skills that will transfer to the external labor market.

The City will develop resources to provide training and employment opportunities to Section 3 program participants by implementing the following:

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- Training opportunities will be advertised by distributing flyers via mass mailings and posting in common areas and management offices of public housing developments.
- The resident councils and management corporations, as well as neighborhood community organizations, will be contacted to request their assistance in notifying residents of available training and employment opportunities.
- A database will be developed of certified Section 3 public housing and other Section 3 residents; to maintain a skill assessment of all Section 3 public housing residents and other Section 3 residents; and of certified Section 3 Business concerns to contact concerning the availability of contract opportunities.
- Relationships will be developed with local employers to solicit job vacancies, determine the skills needed in their workforce, and train residents to develop skills that will transfer to the external labor market.
- A provision setting a goal for a specific percentage of public housing or Section 3 program participants to be trained or employed by the contractor will be incorporated into the contract.
- Contractors must notify the Section 3 Coordinator of their interests in employing Section 3 participants before hiring.

The Section 3 Coordinator will ensure that the participant is Section 3 eligible. After the contract award the contractor must, before beginning work, provide the following:

- Names of the Section 3 business concerns to be utilized;
- Estimates of the number of employees to be utilized for the contract;
- Projected number of available positions, including job descriptions and wage rates (construction wages consistent with Davis Bacon if applicable);
- Efforts that will be made to seek Section 3 participants.
- Submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.
- Document the performance of Section 3 participants regarding punctuality, attendance, etc., and provide this information to the Section 3 Coordinator.
- Immediately notify the Section 3 Coordinator if a participant quits, walks off, or is terminated for any reason. The contractor must document in writing all such incidents to determine if an investigation is warranted.

In an effort to resolve complaints of non-compliance through an internal process, the City of Columbia encourages submittal of such complaints as follows:

- Complaints of non-compliance should be filed in writing to the City and must contain the name of the complainant and a brief description of the alleged violation of 24 CFR 135.
- Complaints must be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.

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- If the complaint is valid, City will conduct an informal, thorough investigation affording all interested parties an opportunity to submit pertinent testimony or evidence.
- The City will provide written documentation detailing the findings of the investigation. The Equal Opportunity Officer will review the findings before it is released to complainants, no later than thirty (30) days after filing of the complaint.
- If complainants wish to have their concerns considered outside of the City of Columbia, a complaint may be filed with:

Assistant Secretary for Fair Housing and Equal Opportunity
United States Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

- The complaint must be received no later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause.

10.5 Applicant and Citizen Complaint and Appeal Procedure

It is the policy of the City of Columbia to review all complaints received. Citizens have an opportunity to register comments or complaints by email, letter, telephone, or in person. Written complaints will be referred to the Director of Community Development for response. A written response will be made within 15 working days of receipt of complaint. A copy of the written complaint and response will be maintained by the Community Development Department.

Complaints concerning the general administration of the City’s housing programs may be submitted to:

City of Columbia, Community Development Department
1401 Main Street, 4th floor
Columbia, SC 29201
803-545-3373
HousingLoanPrograms@columbiasc.gov

The following procedures will be followed on all complaints that cannot be resolved by City Housing Staff and require additional review by the Director of Community Development. The initial complaint may be expressed orally or in writing.

10.6 Labor Standards

Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

A. 1. (i) Minimum Wages. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents

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thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible, place where it can be easily seen by the workers.

(ii) (a) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

1. The work to be performed by the classification requested is not performed by a classification in the wage determination; and
2. The classification is utilized in the area by the construction industry; and
3. The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(b) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215- 0140.)

(c) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

(d) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(ii)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from

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the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account asset for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

2. Withholding. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work, all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

3. (i) Payrolls and basic records. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

(ii) (a) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required

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to be maintained under 29 CFR 5.5(a)(3)(i) except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee’s social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this subparagraph for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to HUD or its designee. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

(b) Each payroll submitted shall be accompanied by a “Statement of Compliance,” signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following: (1) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5 (a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(c) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the “Statement of Compliance” required by subparagraph A.3.(ii)(b).

(d) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under subparagraph A.3.(i) available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and Trainees.

(i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they

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performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman’s hourly rate) specified in the contractor’s or subcontractor’s registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice’s level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee’s level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under 29 CFR Part

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5 shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract

6. Subcontracts. The contractor or subcontractor will insert in any subcontracts the clauses contained in subparagraphs 1 through 11 in this paragraph A and such other clauses as HUD or its designee may by appropriate instructions require, and a copy of the applicable prevailing wage decision, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this paragraph.

7. Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act Requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general dispute’s clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

10. (i) Certification of Eligibility. By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor’s firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001. Additionally, U.S. Criminal Code, Section 1 01 0, Title 18, U.S.C., “Federal Housing Administration transactions”, provides in part: “Whoever, for the purpose of . . . influencing in any way the action of such Administration.... makes, utters or publishes any statement knowing the same to be false.... shall be fined not more than \$5,000 or imprisoned not more than two years, or both.”

11. Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer. B. Contract Work Hours and Safety Standards Act. The provisions of this paragraph B are applicable where the amount of the prime contract exceeds \$100,000. As used in this paragraph, the terms “laborers” and “mechanics” include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or

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mechanic in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) Withholding for unpaid wages and liquidated damages. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

C. Health and Safety. The provisions of this paragraph C are applicable where the amount of the prime contract exceeds \$100,000.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, (Public Law 91-54, 83 Stat 96). 40 USC 3701 et seq.

(3) The contractor shall include the provisions of this paragraph in every subcontract so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontractor as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

10.6.1 Contract Work Hours and Safety Standards Act (40 USC 3701-3708)

When applicable, all contracts awarded by the City in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 USC 3702 and 3704, as supplemented by the Department of Labor Regulations (29 CFR Part 5). Under 40 USC 3702 of the Act, each contractor must

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compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40.

10.7 Fair Housing, Language Access Plan, Management of Accessibility Requirements

10.7.1 Fair Housing

The City housing programs fully comply with all Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination during the implementation of any City housing program. Displaced households who believe they have suffered illegal discrimination should contact the Community Development Department immediately for review and assistance in filing a complaint with the HUD Office of Fair Housing and Equal Opportunity.

10.7.2 Language Access Plan

The City will adhere to the requirements set forth in the City’s CDBG Language Access Plan, as it relates to providing programs and services to households where English is not the primary language of the household. Request for language access assistance will be logged by City staff and referred to OCD’s LAP Coordinator if they have questions or are unable to provide the required services.

10.7.3 Accommodations for Persons with Disabilities

The City shall abide by HUD regulations in Section 504, HUD’s implementation of the American with Disabilities Act, to ensure that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds. The City shall include monitoring for Section 504 compliance as part of the annual monitoring of federal funded sub-recipients. Monitoring shall include inspection of facilities that utilized a federal funded City program, in order to ensure that the facilities are accessible to persons with disabilities. Construction scopes of work will take into consideration and provide modification for any homeowners requiring disability modifications for themselves or household members as applicable by HUD regulations.

Appendices

1. LBP Pre-Construction Document
2. LBP Post-Construction Document
3. Sample Construction
4. Subcontractor Waiver Form
5. Draw Request Forms
6. HOME Housing Standards Guide
7. CDBG Housing Standards Guide

Forms

SHINE (Single-family Housing Improvements for Neighborhood Enhancement) Application

- General Affidavit
- Authorization to Pull Credit Report/Financial Privacy
- Household Member Composition
- Affidavit of Primary Residence
- Authorization for Release of Information
- Declaration of Citizenship
- Nearest Living Relative Form