



CITY OF APACHE JUNCTION, ARIZONA

HOUSING REHABILITATION PROGRAM GUIDELINES

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Modified by the City Council on January 17, 1995
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Modified by the City Council on January 15, 2013
Modified by the City Council on April 1, 2014
Modified by City Council on January 20, 2015

The city council of the City of Apache Junction adopts the following Housing Rehabilitation Guidelines to assist the city in administering the city's Housing Rehabilitation Program. This program is intended to provide safe and decent housing to City of Apache Junction residents by offering funding options to assist homeowners with the rehabilitation or modification of their home.

PROGRAM PURPOSE (GOALS)

1. Eliminate health and safety hazards in homes;
2. Benefit very low-, low- and moderate-income residents; and
3. Improve neighborhoods and encourage stability.

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PROGRAM DESIGN

The focus of the Housing Rehabilitation Program (hereinafter “HRP”) is to increase the life and improve the livability of homes owned by very low-, low- and moderate-income families by correcting code violations, solving health and safety issues, addressing accumulated deferred home maintenance projects, and providing sustainability by weatherizing homes.

Funds for the program are primarily provided through the: 1) Community Development Block Grant Program (“CDBG”) and 2) State Housing Fund (“SHF”) including HOME and State Housing Trust Funds as administered by the Arizona Department of Housing (“ADOH”).

Owner-occupied housing rehabilitation (“OOHR”) assistance to homeowners in the SHF funded portion of the city’s HRP may be in the form of deferred payment/forgivable loans.

OOHR assistance to homeowners in the CDBG funded portion of the city’s HRP may be in the form of grants or deferred payment/forgivable loans.

Unless specifically stated to the contrary, comments contained in these guidelines are applicable to both the CDBG and SHF funded portions of the city’s HRP.

TARGET AREA

The program will be open to all full-time permanent residents who live within the incorporated boundaries of the City of Apache Junction, excluding those who live in designated ineligible areas or structures as outlined in the eligibility requirements below. CDBG funds may only be used in the Pinal County portion of the city.

ELIGIBILITY REQUIREMENTS

To be eligible, the applicant and the property to be rehabilitated must meet the following criteria:

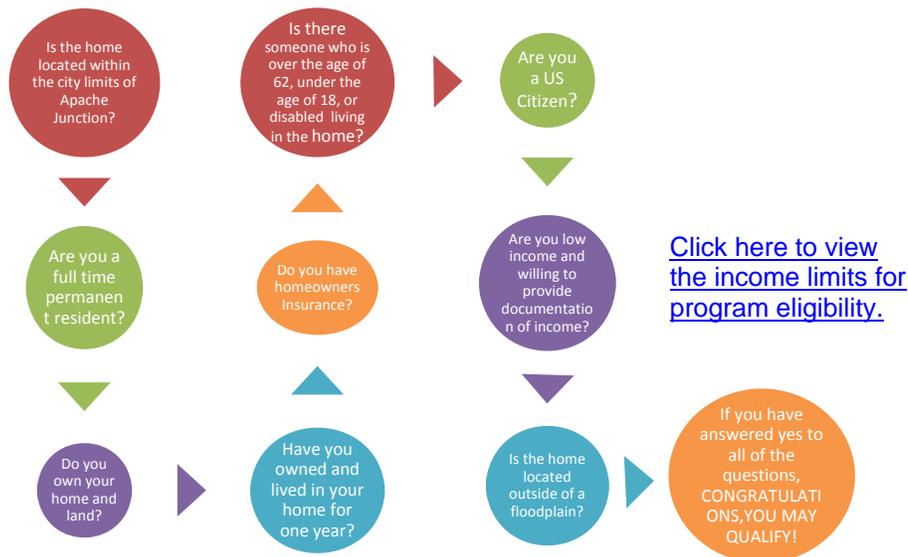
- ◆ Located within the incorporated boundaries of the City of Apache Junction, excluding the Maricopa County area.
- ◆ Feasible for rehabilitation under the time and monetary constraints of the program.
- ◆ Owned and occupied by a full-time permanent resident of Apache Junction.
- ◆ Applicants must have a verifiable income that falls below 80% of the area median income as indicated by The US Department of Housing and Urban Development and the State of Arizona – State Housing Fund Program income

limits for very low-, low- and moderate-income families. Income guidelines are updated annually. Income verification is valid for a period of six (6) months. Upon expiration of income verification information, applicants must complete and submit new income verification documentation. Income must be anticipated and verifiable for the next 12 months. Required documentation of income can be found under Third Party Income Verification within this document.

- ◆ Provide proof of homeowner's insurance.
- ◆ For the purposes of eligibility, self-help or "sweat" equity are not allowable forms of equity.
- ◆ The current owner must have occupied the structure for at least one (1) year prior to program entry.
- ◆ Preference will be given to households applying for funding that meet one of the following criteria: 1) be elderly (62 years of age or older); 2) have a disability (a legally recognized physical/mental/emotional condition that limits the performance of daily living skills); or 3) have minor child (ren) age 17 and under related to head of household residing in the residence.
- ◆ A.R.S. 1-501 and 1-502 requires that all homeowners who receive services under the program shall provide proof of lawful presence in the United States including a sworn affidavit that the required documentation is true under penalty of perjury.
- ◆ Owner is to complete any recent construction project underway prior to the city's approval of rehabilitation assistance.
- ◆ Manufactured and mobile homes are deemed eligible contingent upon: 1) applicant (s) having owned and occupied both property and dwelling for one (1) year prior to program entry; and 2) the home being permanently attached to a foundation, either as a pre-existing condition or as a work element of the HRP.
- ◆ Properties in non-conforming zoning, properties located within 1,000 feet of an explosive/flammable operation, properties with open, unresolved building or code compliance cases and homeowners unwilling to follow the City of Apache Junction Program Guidelines, are not generally eligible for rehabilitation under this program.
- ◆ Homes of historical value may only be eligible upon favorable review by the State Historic Preservation Office.
- ◆ Manufactured homes that were built before June 1976 are not eligible to

receive housing rehabilitation funding, however they are eligible for emergency and housing accessibility assistance.

- ◆ The rehabilitation of dwellings located in the 100-year floodplain are not eligible for participation in the rehabilitation program.
- ◆ Properties that are classified “non-conforming” are not generally eligible for rehabilitation. However, if the proposed rehabilitation is non-structural and there are no properties waiting to be rehabilitated, nonconforming properties that meet all other eligibility criteria may be considered.
- ◆ Properties with an open building or code case are generally not eligible for rehabilitation. However if the case is relating to a correctable building condition HRP funds can correct under the requirements of the program, then the unit will be deemed eligible.
- ◆ Properties rehabilitated through this program must be free of any encumbrances such as liens or judgments. Properties may be encumbered by a mortgage in first position so long as a financial institution or other such mortgage company holds that mortgage; however, there must be sufficient equity remaining to justify placing a lien for the rehabilitation deferred payment loan in second position. Properties encumbered by mortgages/loans held by individuals or partnerships are not eligible unless a warranty deed is recorded and a lien may be placed on the property. Mortgage payments and insurance premiums must all be current.



PROPERTY STANDARDS

The property standards that must be achieved as a result of assisted rehabilitation are established by the most recent state and local building codes, the Federal

Housing Quality Standards, Arizona Department of Housing's Housing Rehabilitation Standards, the [Owner Occupied Housing Rehabilitation Weatherization Standards](#), the [City of Apache Junction Housing Rehabilitation Program Construction Guidelines](#), the Uniform Federal Accessibility Standards and the Americans with Disabilities Act, as applicable and needed by the homeowner.

The city's Energy Efficiency requirements incorporate the following standards: BPI/BA Standards, IECC 2009, ASHRAE 62.2-2010, Energy Star, and Standardized Work Specification.

ALLOWABLE WORK ITEMS

HOME guidelines require an entire dwelling be brought up to local code. A preliminary property inspection is completed to assist with ensuring homes meet Housing Quality Standards ("HQS") and are safe, sanitary and decent.

Priorities have been established for determining the work that will be completed in the eligible homes.

1. Code Violations
2. Issues of Health and Safety
3. Weatherization Standards/ Energy Efficiency
4. Improvements of a Cosmetic Nature

The following must also be taken into consideration when determining the priority of items for inclusion in the work-write up (Scope of Work):

1. The age and the physical condition of the building;
2. The goal of the program (building revitalization or direct benefit);
3. Funds available for rehabilitation of each unit; and
4. Value of unit after rehabilitation.

The following levels are utilized to determine priorities for the HRP:

- Level 1: Initial inspection reports must include items in Level 1.
- Level 2: Items included on Level 2 are also considered critical but not as critical as those items in Level 1. Other items are considered less critical and should always be inspected but may not be rehabilitated.
- Level 3: The items on List 3 should be reviewed, and where feasible, corrected. These items must also be included whenever substantial rehabilitation is taking place.

- Items from all levels must be included in the preliminary inspection report for all construction projects and those where the cost of rehabilitation exceeds 75% of the value of the property.

Level 1 - Items that must be included in the inspection report and must be repaired or replaced:

1. Lead Based Paint Assessment (only on properties built prior to 1978)
2. Hazardous Materials
3. Health and Safety Hazards
4. Stable and Weather Tight Roof
5. Electrical System – the unit must have a minimum 100-amp electrical service, with no unsafe conditions
6. Plumbing (including hot water) – Must be in good working order and be safe and sanitary
7. Heating and Cooling Systems – must be adequate and safe with a reasonable (three year) useful life
8. Egress in accordance with local health and safety codes
9. Trip Hazard (HQS Standard)

Level 2 - Items that must be included in the inspection report and should be repaired or replaced:

1. Structural soundness and integrity (including rotted or deteriorating materials and those impacted by termites and/or other wood-boring insects).
2. Siting of the structure and its relationship to water penetration that may impact structural integrity.
3. Appropriate kitchen facilities including a sink and means of cooling and heating food to healthful standards.
4. If the structure has an attached garage, appropriately-rated fire wall between garage and living areas
5. Weatherization items.

The above mentioned items are first priority items that shall be included in every inspection report. These items shall also be included in the Work Write-Ups (funds permitting) and shall receive priority in work to be completed as part of the rehabilitation project. Repair or replacement may take place based on the amount of available resources.

Level 3 - Items that must be included in the inspection report and may be repaired or replaced:

1. Debris that may be a fire hazard
2. All existing exposed surfaces painted or sealed and not presenting a health or safety hazard.
3. Cabinetry

4. Finished flooring
5. Repair and replacement of doors and windows not presenting a health or safety hazard.

The above mentioned items shall be included in every inspection report and may be included in the Work Write-Up (funds permitting). These items generally result from deferred maintenance and are considered general improvements.

The City wishes to encourage contractors to buy locally whenever possible.

NON ALLOWABLE WORK ITEMS

None of the program funds shall be used for temporary/long term relocation of applicants during periods of home rehabilitation/repair. No funds shall be used to reimburse the homeowner for work completed.

REHABILITATION ASSISTANCE PLANS

1. EMERGENCY/MINOR HOUSING REPAIR PLAN

A grant plan that assists homeowners in the elimination of an imminent threat to life, safety or health; the necessary repairs may include, but shall not be limited to: roofs, floor repairs, window/door replacements, and wall and ceiling repairs. The minimum assistance is \$1,000 and the maximum assistance is \$15,000 per recipient. The grant may address no more than two (2) emergency conditions, unless approved by the Development Services Director, or his/her designee, due to some extenuating circumstances. A structure may be eligible for an Emergency Grant even though it may not meet structural integrity requirements. After a recipient has received services through the Emergency Housing Repair program they may not be eligible to receive additional services until five years after the completion of the project unless the emergency services enable the homeowner to remain in their home until the home can be rehabilitated under the city's Housing Rehabilitation Plan or replaced under the city's Replacement Plan. Additionally, no single owner of a home may receive more than two emergency assistance grants.

2. HOUSING ACCESSIBILITY PLAN

A grant or deferred payment/forgivable loan plan that assists homeowners to make their residence physically accessible. Assistance can be either structural changes or purchase of durable medical equipment (if it becomes a permanent part of structure) and may include ramps, grab bars, handrails, raised toilets, lowered light switches, automatic door openers, visual alarms, transfer shower benches, and hand held showers. Grants are limited to \$2,500 per recipient. This program is offered through the city's partnership with Community Action Human Resources Agency (CAHRA) or may be a component of another rehabilitation plan.

3. HOUSING REHABILITATION PLAN

A grant or deferred payment/forgivable loan plan that assists homeowners to address safe, sanitary, and decent housing rehabilitation issues. Rehabilitation projects may either be major or minor. Grants and deferred payment/forgivable loans are limited to a minimum of \$1,000 and a maximum as required by the grant from which the funds will be expended, this amount may change each funding year. Mobile/manufactured homes and conventional, site-built homes have different maximum investments. HOME funds cannot be utilized in the form of a grant. In the HOME Program, weatherization, emergency repairs, or accessibility projects may be undertaken only if the property is brought up to the State's rehabilitation standards upon completion. When a recipient receives a deferred payment/forgivable loan, no further investment of CDBG funds can be made on the home until after the recapture period has expired. No additional HOME funds may be invested. However, should the recipient receive any housing rehabilitation services in the form of a grant, they may not be eligible to receive additional services until five years after the completion of the project.

4. REPLACEMENT PLAN

A grant or deferred payment/forgivable loan plan that assists homeowners with the replacement of unsafe, hazardous living conditions by providing a new manufactured or site-built home. This plan provides a maximum investment as stipulated within each grant from which the funds will be expended. This amount may change each funding year and is intended for the construction of a new home or for the replacement of a manufactured home. Manufactured homes may not be replaced with site built homes. HOME funds cannot be utilized in the form of a grant. When a recipient receives a deferred payment/forgivable loan, no further investment of CDBG funds can be made on the home until after the recapture period has expired. No additional HOME funds may be invested. The city will make every effort to eliminate or reduce the need for relocation during construction. Homeowners may be encouraged to find temporary housing with family or friends. In the event that no options exist, the city may use grant funds to pay for temporary accommodations.

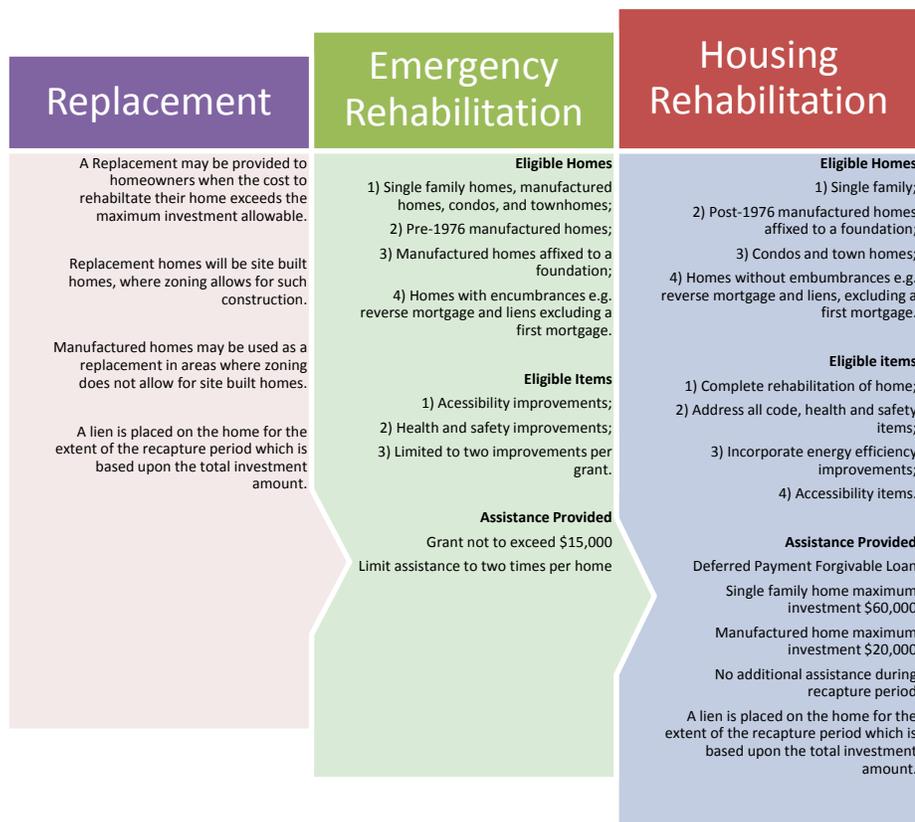
5. PERMIT FEE FUND

In 2003, the City of Apache Junction created a revenue fund (004-04420-422-225) in order to track and collect permit fees that have been paid for by contractors that are participating in the City's Housing Rehabilitation Program. The fees that were collected were to be used to supplement and support the activities of the City's Housing Rehabilitation Program. These fees are collected in accordance with the City of Apache Junction City Code, Volume I, Chapter 7, Article 4-4 Sections A through I.

All relevant fees shall be due payable by the contractor prior to the start of construction on any City of Apache Junction housing rehabilitation project. These fees will be tracked by the Housing Rehabilitation Program Coordinator (“HRPC”) and reported to the Finance Director for deposit into the appropriate revenue account. This account will be tracked to ensure accurate balance and expenditures.

Eligible expenses to be withdrawn from this account shall be minor repair items that are eligible under the City of Apache Junction’s Housing Rehabilitation Program and the adopted Housing Rehabilitation Guidelines. Recipients of these funds, however, must be homeowners that are not eligible under the same guidelines or available funding programs. These repairs must be determined an emergency by the Program Coordinator. Further, the Coordinator must have found that there is no other funding or community assistance can be located for the homeowner. Eligible homeowners must be either elderly (over the age of 62), disabled, or have children under the age of 18 occupying the home and the total household income must not exceed 80% of the area median income.

When an expense is determined to be eligible to be charged to this account, the Coordinator will submit a check request along with an invoice for payment to the finance department. The maximum amount payable toward any project shall be \$1,000 unless otherwise approved by the Development Services Director.



DEFERRED PAYMENT/FORGIVABLE LOANS

All deferred payment forgivable loans are secured by a lien and promissory note. A percentage of the total assistance provided on forgivable loans will be forgiven on the anniversary date of the execution of the recording of the loan instruments throughout the recapture period, provided that the dwelling unit continues to be occupied by the original occupant or an income qualified immediate family member. The unforgiven balance of the loan shall become due and payable upon the sale of the property. Properties encumbered by mortgages/loans held by individuals or partnerships are not eligible unless a warranty deed is recorded and a lien may be placed on the property. HOME funds cannot be used in the form of a grant.

The HRPC will be responsible for recording the required paperwork as determined by the loan. The lien will be recorded at the Pinal County Assessor's Office and will include applicable administrative costs and a contingency of 10% above the Contractor's Bid. The Deed of Trust will be placed on a tracking system by the HRPC who will track the loan calculating the amount of dollars that will be forgiven as each year passes until the loan has been completely forgiven as outlined in the HRGs. The HRPC will send a letter to the homeowner annually advising the homeowner of the status of their loan, identifying the amount forgiven and the amount that remains on the loan. The city will be no lower than the first position on the lien of the home or second if a financial institution held first position prior to the city recording the loan documents. A letter to the homeowner shall provide a reminder that the city cannot subordinate the loan.

EXCEPTIONS TO THE MAXIMUM ALLOWED

The Maximum investment for each project is stipulated under each grant program from which the funding is expended. This maximum may change with each funding year. However under no circumstance may the maximum per unit investment exceed that which is determined by the geographic area [221 \(d\) 3 per unit limits](#) based on the number of bedrooms nor can the after rehabilitation value exceed the allowable amount set by HUD (see Method for Determining After Rehabilitation Value section below).

RECAPTURE PERIOD

When a recipient elects to receive assistance in the form of a deferred or forgivable loan, a recapture period applies. The recaptured period is based on the amount of funds invested in the assisted unit. Recipients may elect to have a recapture period that is longer than the required period. When a recipient receives a deferred



payment/forgivable loan, no further investment of CDBG funds can be made on the home until after the recapture period has expired. No additional HOME funds may be invested.

LOAN SERVICING POLICY/SUBORDINATION

After execution of the loan, subordination agreements with lending institutions will not be honored since such practice is lending of city credit in violation of State constitutional law. Properties rehabilitated through this program must be free of any encumbrances such as liens or judgments. Properties may be encumbered by a mortgage in first position so long as a financial institution or other such mortgage company holds that mortgage; however, there must be sufficient equity remaining to justify placing a lien for the rehabilitation deferred payment loan in second position.

Should a refinancing request be made by the homeowner after the rehabilitation work has been completed and a lien has been placed on the structure and the request has been made prior to the end of the recapture period, the lien shall become due and payable upon refinancing to the city. Thus, should the refinance be cash out, the city will require payment in full of the lien. The city will be no lower than first position on the lien of the home. As noted above, the city cannot subordinate the loan in any manner.

REVOLVING LOAN FUND/PROGRAM INCOME

The City of Apache Junction does not currently have a revolving loan fund. Therefore the City will track all loans. In the event a house that has received services is sold prior to the end of the recapture period, the city will enforce the repayment of the loan in the amount that remains unforgiven. These funds will then be immediately circulated into the Housing Rehabilitation Program and will be utilized prior to the use of any new grant funds. However when utilizing HOME funds, any recaptured or repaid funds will be returned to the Arizona Department of Housing as retention of HOME funds is not allowed by the Arizona Department of Housing.

THIRD PARTY INCOME VERIFICATION

Upon receipt of the application, the HRPC will verify eligibility based upon the homeowners income. The definition of income is taken from 24 CFR Part 5. Gross Income will be used to calculate income for all members of the household over the age of 18. Income must be anticipated and verifiable for the next 12 months. Typical required documents to verify income will include, but are not limited to:

1. Bank Statements including checking and savings accounts;
2. Paycheck stubs including tips, commission and bonuses, and overtime;
3. Earned Interest and Assets: This amount is calculated into the income if over \$5,000. Eligible assets include but are not limited to Value of Stock, Life

- Insurance, 401K, interest, CD's, Real Estate, Personal property not including home;
4. Social Security;
 5. Welfare Assistance;
 6. Alimony and Child Support ;
 7. Minors Income specifically disability payments;
 8. If self employed, must include the past three (3) years income tax returns for net income;
 9. Excluded items include earned income from minors (under age 18), full-time student income (ages 18-23), disabled persons' income, and food stamps

Median Income Guidelines

HUD updates the Median Income Guidelines on an annual basis. The most current information can be found on the [US Department of Housing and Urban Development](#) website.

The city will utilize the HUD Income Calculator to determine income eligibility. <https://www.onecpd.info/incomecalculator/>

METHOD FOR DETERMINING AFTER REHABILITATION VALUE

Beginning August 23, 2013 HUD has established the HOME Maximum After-Rehab Value Limits for owner occupied housing rehabilitation. These limits will remain in effect and are updated as HUD issues new limits.

The new HOME value limit for existing housing to be used for owner occupied housing rehabilitation is 95 percent of the median purchase price for the area based on Federal FHA single family mortgage program data and other nation-wide data on the sales of existing housing.

To establish Project eligibility, after-rehabilitation value must be established prior to any work being performed. The after- rehabilitation value may be established by one or more of the following methods:

1. Estimates of value: Estimates of value by the subrecipient may be used. Project files must contain the estimate of value and document the basis by which the value estimates were derived. (For example, a Real Estate Broker's price opinion with supporting comparable sales.) Websites such as quizzle.com, zillow.com and trulia.com may be used to determine an estimated value.
2. Appraisals: Appraisals, whether prepared by a licensed fee appraiser or by a staff appraiser of the city, may be used. Project files must document the appraised value and the appraisal approach used.
3. Tax assessments: Tax assessments for a comparable property located in the same neighborhood may be used to establish the after-rehabilitation value if

the assessment is current and accurately reflects market value after rehabilitation.

HOMEOWNER INFORMATION

Applications are available by mail, in the Development Services office, or obtained from the city's website at www.ajcity.net/rehab by the applicant. Eligible applicants will be prioritized on a first come, first served basis, unless the nature of the project constitutes an eminent threat to health or safety, as determined by the Building Inspector.

STEP 1: Waiting List

Once an application is approved and the homeowner is determined to be eligible to participate in the city's HRP, they will be placed on a waiting list. Homeowner's will be served based on two factors:

1. A First Come - First Serve Basis
2. Based upon the funding availability of the program with which they are eligible. The city has several housing programs. Based on their eligibility they may not qualify for all programs.

Applicants can remain on the waiting list for up to 18 months or more before receiving assistance. The financial information provided with the application is valid for 6 months. Therefore homeowner's may be required to re-submit financial information to re-certify they are eligible to participate in the program.

A typical timeline for services may be:

Application is submitted	
Review of application (eligibility determination)	2 months
Placed on waiting list	up to 1 year
Schedule initial meeting to discuss the program	2 months
Schedule home inspection	2 months
Determine work write up	2 months
Procure contractor	4 months
Signed documents/contracts	2 months
Construction	3 months
Final inspection	1 month

STEP 2: Interview

When the time has come to receive the benefits of the program an appointment will be scheduled to make a home visit to discuss the details of the program and sign an agreement. All homeowners must be present.

There are two basic programs in which homeowner's may be eligible. It will be determined which program would best suit their needs once an inspection of the home is completed and a cost estimate is determined. Following are the two programs:

1. **Emergency Rehabilitation:** This program will address two emergency needs within the home. This program is provided in the form of a grant. Once a homeowner receives this service, they may not be eligible for additional assistance for five years.
2. **Housing Rehabilitation:** This program will address all the necessary needs within the home under the requirements of the program. Health and safety issues, code compliance and weatherization will be addressed. This program is provided in the form of a deferred payment loan which will place a lien on the property. A deferred payment loan means that over a given period of time, the loan will be forgiven so long as the homeowner remains in the home as their only and primary residence. Once they receive this service, they may not be eligible for additional assistance until the loan has been forgiven. This recapture period is dependent upon the amount of funds invested into the home.

STEP 3: Home Inspection

The city will complete an inspection on the home. This inspection will help to determine what items will need to be completed on the home. Below is information to help determine what items are eligible under the requirements of the program.

We would like to:		
Eliminate unsafe and hazardous conditions; Improve living conditions and extend the life of the home; Make the home accessible for family members with special needs; Bring the home to minimum safe property standards and local codes; Improve property values in the neighborhood; and Improve energy efficiency.		
Areas we can provide help include:		The program will NOT:
Electrical	Accessibility	Change of colors or styles
Plumbing	Insulation	Cover routine maintenance
Heating/Cooling	Foundation	Make the home look like new
Roofing	Bath facilities	
Walls	Kitchen facilities	
Painting	Hot water	
Windows/Doors	Smoke alarms	

If the home was built before 1978, a Lead Paint Inspection will be conducted by a qualified contractor, as identified by the city.

An Energy Audit will be conducted by a BPI certified contractor, as identified by the city. Information provided by from the audit will assist the HRPC will creating a project scope.

STEP 4: Work Write-up and Bid Process

After the inspections are complete a work write-up and cost estimate are determined to assist with the procurement of a contractor. The homeowner must approve the project scope prior to procuring a contractor. Priorities have been established for determining the work that will be completed in the eligible homes.

1. Code Violations
2. Issues of Health and Safety
3. Weatherization Standards/ Energy Efficiency
4. Improvements of a Cosmetic Nature

The following must also be taken into consideration when determining the priority of items for inclusion in the work-write up (Scope of Work):

1. The age and the physical condition of the building;
2. The goal of the program (building revitalization or direct benefit);
3. Funds available for rehabilitation of each unit; and
4. Value of unit after rehabilitation.

It is required that all projects competitively procure a licensed contractor to complete the work on the home. The city will assist the homeowner in this process. The following is the process that will take place when procuring a contractor.

A notice will be placed on the city's website and in the newspaper advertising a mandatory "pre-bid" meeting to be held at the home. Contractors will arrive on that day along with the HRPC and will walk through the home and the work write up will be discussed. Each contractor will be required to submit a bid to the City of Apache Junction's Office of the City Clerk on the date and time specified in the advertisement.

The contractor is not allowed to discuss any compensation with the homeowner. If the contractor has any questions regarding the project and/or the bidding procedures they must contact the HRPC.

Once the bids have been received, the city will review the information and determine if the contractors are eligible to participate in the program. There are requirements that each contractor must have in order to be eligible.

The City of Apache Junction is not the contractor, does not recommend contractors, does not choose the contractor and cannot guarantee the homeowner will be completely satisfied with the work completed. The HRP will however work closely

with the homeowner to help solve any problems and will help ensure the work completed is functional, meets applicable codes and regulations, and is of quality. The HRP does however suggest the lowest most responsive bidder be the contractor awarded the project. Therefore the homeowner will be notified as to which contractor that is. However the homeowner will be signing the contract with the contractor and as such may select a qualified and eligible contractor to complete the work on their home. It should be noted if the selected contractor is not the lowest bidder, the homeowner will be required to pay the difference of the bid amounts. Once a contractor is selected all homeowners and the contractor will be asked to come to City Hall and sign the required contract documents. A notice to proceed will be issued after the documents have been executed. No work can begin until this has taken place.

STEP 5: Construction

The contractor will be issued the notice to proceed and given a time frame to complete the construction on the home. The homeowner is not authorized to make changes to the project scope of work. All requests for changes must come through the city's HRPC.

STEP 6: Final Inspection

The city will not release payment to the contractor until a final inspection has been completed on the home and the homeowner and city have signed off on the work completed. All concerns should be discussed during this final walk through with the contractor. Although there is a warranty on their workmanship, it is important to discuss any concerns as soon as possible.

CONTRACTOR INFORMATION

Work Write-up

After the application has been received, the information verified and funding is available, the HRPC will make an inspection of the property and prepare a work write-up and cost estimate. Prior to creating the work write up, the city will request from a BPI certified contractor to complete an Energy Audit on the home (See [Energy Efficiency Guidelines](#)). The results of the audit will be incorporated into the work write up.

The HRPC and homeowner will thoroughly discuss the work to be done. Once the project scope is approved by the homeowner, the city will competitively procure a qualified contractor that meets all of the procurement requirements of the city and the Arizona Department of Housing.

Work write-ups will be completed by the HRPC. Specific building materials and building methods will be left up to the discretion of the HRPC but must meet ICC

Standards. The [City of Apache Junction Housing Rehabilitation Construction Guidelines](#) will provide guidance on preparing the project scope. The HRPC will provide a rehabilitation cost estimate based on available information from recent projects completed. All new construction that requires substantial repair (more than 50%) of a system must meet the city's current building codes upon completion. The rehabilitated home should at a minimum meet Section 8 Housing Quality Standards and/or all city building codes, whichever is more restrictive, shall govern.

The city wishes to encourage contractors to buy locally whenever possible.

Request for bids

An advertisement will be placed in the Arizona Republic a minimum of fourteen (14) days prior to the bid opening and/or an email notification will be sent to contractor's listed on the Housing Rehabilitation Program's Bid List.

The city will require bids from two or more licensed contractors to complete the work. Contractors will be required to meet all City of Apache Junction and Arizona Department of Housing requirements to be eligible to be awarded a contract. Requirements include a current City Privilege Tax License; a valid contractor license from the State of Arizona, listed on the Registrar of Contractors website and hold valid insurance. Additionally, any contractor participating in the rehabilitation program must be verified as being eligible to receive federal funds, thus a DUNS and CCR number are required.

The City of Apache Junction encourages minority contractor participation in all projects to include Disadvantaged Business Enterprises e.g. Small Business Enterprises, Minority-owned Business Enterprises, and Women-owned Business Enterprises. A copy of the City's Equal Employment Opportunity Policy is available on-line at <http://www.ajcity.net/index.aspx?nid=556> .

Project walk-thru

A mandatory pre-bid meeting will be scheduled prior to the acceptance of the bids to invite all potential contractors to the project site to review the project scope in order to offer an accurate quote. The pre-bid meeting will also be utilized to answer questions and offer information to the contractors and property owner. The contractor may not contact the homeowner prior to this meeting.

Proposal submissions

Proposals must be submitted by the date and time provided in the request for bids. All proposals must be submitted in a minimum 8 1/2"x 11" letter sized envelope with the words "Sealed Bid Residential Rehab" along with the address, and the name of the owner of the project being bid. This must be clearly printed on the face of the envelope. In addition, the name of the firm submitting the bid must be listed on the

face of the envelope. Failure to comply with the requirements of this paragraph may result in such a bid being considered invalid and returned unopened to the sender. All bidders will be notified via email of the bid awards.

Addendums

All addendums will be sent to interested bidders a minimum of 3 days prior to the bid opening via email.

Any changes in the finalized work write-up or specifications must be agreed upon in writing and signed by both the Homeowner and the HRPC before they become effective.

No change orders will be approved or paid if the work was completed prior to signed approval by the HRPC. Change orders shall not exceed 10% of the total bid price unless the additional work was requested by the HRPC. No side agreements between the Contractor and Homeowner will be allowed.

Codes and Standard Specifications

The contractor is responsible for knowledge of the city's building codes. All work must conform to Apache Junction Building Codes and/or meet approved Uniform Building Codes unless otherwise specified in writing. The property standards that must be achieved as a result of assisted rehabilitation are established by the city's building codes, the Federal Housing Quality Standards and the Arizona Department of Housing's Housing Rehabilitation Standards, the Owner Occupied Housing Rehabilitation Weatherization Standards, and the [City of Apache Junction Housing Rehabilitation Program Construction Guidelines](#).

The city's Energy Efficiency requirements incorporate the following standards: BPI/BA Standards, IECC 2009, ASHRAE 62.2-2010, Energy Star, and Standardized Work Specification.

Privilege Tax License

The contractor and all subcontractors must have an Apache Junction City privilege tax license prior to beginning work after being awarded a contract for services. Subcontractors must be named on the Contractor Bid Proposal.

Bid Award

Bid awards are done by the homeowner; however the City of Apache Junction's Housing Rehabilitation Program will recommend the lowest most responsible and responsive bidder. The City of Apache Junction's Housing Rehabilitation Program reserves the right to reject any and/or all bids for reasons included but not limited to the following:

1. The contractor is not licensed or his license is suspended or has been barred from federal procurement or no procurement programs.
2. The contractor is not able to proceed with the project in a timely manner, has failed to complete past projects in a timely or workmanlike manner or has failed to respond appropriately to requests for warranty service.
3. The bid submitted is more than 15% above or below the estimate and may not be able to complete the project for this amount.
4. The Contractor has failed to provide lien waivers as required below or has had mechanic's liens filed by suppliers or subcontractors on past projects.
5. Bidding forms are improperly filled out, incomplete or not using the correct bidding forms provided.

Owner Bid Rejection

The owner may reject any or all bids without cause subject to the following provisions:

1. The owner may choose to reject the lowest bid and select a contractor other than the lowest bidder if the owner is willing to provide from his own funds an amount equal to the difference between the low bid and the selected bid.
2. The owner may reject all bids at any time up to three working days after the contract is closed.

The contract will be between the homeowner and the contractor. However the contractor and homeowner may not discuss the award or non-award of the project until the city has completed the required procurement process. The city will serve only as an administrator/financier to the contract. The contractor must be a licensed contractor in the State of Arizona, hold a city business license, be in good standing with the Registrar of Contractors, and not appear on the excluded parties listing thus shall have a DUNS and CCR number.

Delays in Awarding Contract

Generally the contract will be closed and the work will begin within thirty (30) days of the date of bid submission. If thirty days has passed and no contract is signed, the Contractor may honor the original bid or withdraw the bid. If the Contractor chooses to withdraw the bid, the project will be offered to the next qualified low bid or a new bid process will begin. The HRPC reserves the right to negotiate any bid.

Subcontractors

All subcontractors shall be named within the proposal submittal including their ROC numbers. Upon award, subcontractors are required to submit certifications, hold a current City Privilege Tax License and a valid contractor license from the State of Arizona. Additionally, any subcontractor participating in the rehabilitation program

must be verified as being eligible to receive federal funds, thus a DUNS and CCR number are required.

Notice to Proceed

The Notice to Proceed issued by the City of Apache Junction's HRPC will identify the start date. All construction must begin within seven (7) days.

A pre-construction conference will be held between the homeowner, the contractor and HRPC to discuss work items, furniture moving, and other questions in need of clarification. All contractors will be required to secure a building permit from the city and post it at the site.

Quality of Work Provided

General Contractors, sub-contractors and their employees qualified to perform the installations for which they are responsible shall perform all work in a quality workmanlike manner. The job site is considered a federal location and must, at all times, be free from an individual chemical use. All moved or effected equipment shall be returned to a completely functional nature. The Contractor will make provisions for the fact that homeowners will, at all times, occupy this dwelling during the course of construction and need basic services at day's end.

Permits

The permit application for the project is prepared and submitted by the Contractor. The Building Permit will be issued upon receipt of payment from the Contractor. The permit must be picked up before beginning any work on the property. Follow the Building Department's procedures for scheduling inspections. The Contractor is responsible for all necessary inspections of the property.

Clean-up

The job site should be thoroughly cleaned during and upon completion of the project. All construction debris of every sort should be removed along with other debris that may have been on the property or collected during the work. Compact, grade and rake any area disturbed by construction for proper drainage. Construction debris is to be hauled to the landfill and disposed of in accordance with all local ordinances. Under no condition is debris to be left for city pick-up.

Timely Manner

Work should proceed in diligent manner after start-up. Progress inspections will be made almost daily. While material or subcontractor delays are sometimes unavoidable, extended periods without progress or repeated unnecessary delays in completing a project may constitute grounds for rejecting future bids. The

contractor is expected to complete the job within the timeframe indicated in the contract. There is a two-year warranty on workmanship and materials.

Owner Selections

The homeowner is allowed to select the following items:

1. One interior paint color
2. Exterior wall and trim color
3. Counter top color
4. One carpet color
5. One floor tile (grout to be sealed)

The contractor must supply the homeowner with a minimum of three (3) color samples.

Payment

No payments shall be made to the contractors without written approval from the HRPC and the homeowner, with the exception of disputed discrepancies which may be resolved and paid with the signature of the HRPC. The HRPC will monitor all rehabilitation work during construction. If progress payments are called for in the contract, the homeowner and the HRPC will make an inspection of the work outlined in the work write-up scheduled for completion before a progress payment will be made.

A contractor may request a 50% draw when one-half of the contracted work is completed and a 40% draw when 90% if the work is completed. The city will hold 10% retention for up to thirty (30) calendar days at the end of the contract to cover closeout contingencies. The contractor must submit all lien waivers, warranties/guarantees prior to the release of the 10% retention.

Warranties and Owners Manuals

The contractor shall warrant all work for a period of two (2) years or more, exclusive of the manufacturer's warranty, from the date on the approval of the final inspection, which will be signed by the homeowner and the HRPC. Major systems or items necessary to make the property meet code should be analyzed on the basis of a three year life expectancy. Major systems include: roofs, heating, cooling, plumbing, water heaters, and electrical components. When included in a project, warranties for all items such a new appliances/hot water heaters shall be given to the HRPC by the contractor(s). All warranties will be provided to the homeowner.

Final Inspection

After the contractor has passed all permit inspections from the Building Department, please inform the HRPC so that a final inspection can be scheduled. Approval of the

work by the city building inspector does not constitute acceptance of the workmanship by the Housing Rehabilitation Program or the homeowner.

The HRPC will schedule for a post audit to be completed. All items identified by the BPI certified technician shall pass the inspection. If the improvements are not completed accordingly, the technician will identify the deficiency and the contractor will be required to make the necessary improvements to achieve the identified energy efficiency goals. No change order may be requested to cover the costs of re-doing any work previously recommended.

Upon the homeowner's acceptance of the work completed, final payment will be issued after final invoice and lien waiver are presented to the HRPC. Final payment can be expected within 30 days of work completion and successful final inspection.

In the event of any dispute between the owner and the contractor concerning the completion of rehabilitation, the HRPC will work with both parties to negotiate a satisfactory solution. If a solution cannot be arrived at, a grievance can be filed as outlined below.

HOUSING MAINTENANCE AND HOMEOWNERSHIP EDUCATION

In addition to warranty brochures, the HRPC and Contractor shall conduct training in the home to instruct the homeowners on the new equipment, appliances and general housing maintenance counseling on items that had been installed in the home. The city will provide a home maintenance document.

The city's housing program also provides a Housing Programs and Services Newsletter on a quarterly basis for all housing rehabilitation program recipients. Homeownership Counseling is currently provided by the Arizona Department of Housing and/or their designee.

ENERGY EFFICIENCY GUIDELINES

The HRPC will write the bid specifications to include energy efficiency measures as required by the [Arizona Department of Housing Owner Occupied Housing Rehabilitation Weatherization Standards](#). Detailed information pertaining to the Energy Efficiency requirements can be found in the city's [Housing Rehabilitation Program Construction Guidelines](#).

The City's requirements incorporate the following standards: BPI/BA Standards, IECC 2009, ASHRAE 62.2-2010, Energy Star, and Standardized Work Specification.

LEAD BASED PAINT REQUIREMENTS/ PRE-1978 HOUSING

On September 15, 1999, HUD published a Final Rule at 24 CFR Part 35 to implement new regulations with regard to lead-based paint in compliance with the Residential

Lead-Based Paint Hazard Reduction Act of 1992. This Rule was effective on September 15, 2000. ADOH received permission from HUD to defer implementation of this Rule until January 10, 2002.

As of January 10, 2002, any CDBG or HOME awards made by the ADOH after January 10, 2002, and used to fund housing rehabilitation projects are required to comply with these lead-based paint requirements. However, CDBG or HOME awards made by the ADOH before January 10, 2002, and used to fund housing rehabilitation projects, whether or not the actual projects have been started, will not be subject to these requirements. In order to comply and implement these lead-based paint requirements, the HRP shall use as guidance the ADOH Housing Bulletin #1 issued by the Office of Housing Development (“OHD”) on December, 2001. The HRP shall specifically adhere to the evaluation, disclosure, work requirements, and clearance procedures contained in this Bulletin. Any interim control or abatement procedures of lead-based paint hazards as prescribed by HUD requirements shall be included in the scope of work. The HRP shall also attempt to obtain lead-based paint general liability insurance for lead-based paint hazards and encourage contractors to secure lead-based paint hazard liability insurance.

The HRPC will provide the homeowner with the EPA/HUD Pamphlet “Protect Your Family from Lead in Your Home”. The HRPC shall also provide the homeowner with the Lead Based Paint Notification for the homeowner’s review and signature. The HRPC shall specifically review the notification form with the homeowner and make every effort to ensure the homeowner is aware of the hazards and ways to avoid lead based paint poisoning. The executed notification is retained in the homeowner/client’s file and a copy is provided to the client. If lead based paint hazards are identified and treated by a certified lead based paint risk Assessment Company, the HRPC shall meet with the recipient and discuss the findings contained in a Risk Assessment Report. The recipient shall also sign off on the report to reflect that the findings contained in the Risk Assessment Report were explained and discuss with the recipient. The Risk Assessment Report shall then become a part of the recipient’s file.

All brochures regarding lead-based paint hazards are available in alternate format for non-English Spanish speaking persons upon request.

CONFLICTS OF INTEREST

- 1) Any person who is an employee, agent, consultant, officer, or elected or appointed official of the City may not obtain a personal or financial interest or benefit from this activity, nor may they have an interest whatsoever, however remote, in a contract, subcontract or proceeds either for themselves, their family or business ties during their tenure, or for one year thereafter.
- 2) No contract will be awarded to a contractor who is related, or whose employee is related to the applicant by blood or marriage.

Upon written request to the HRP in care of the Apache Junction Development Services Department, the Development Services Director, or his/her designee, will determine if a conflict exists.

COMPLAINT AND GRIEVANCE PROCEDURE

Applicants, Program participants, or contractors may initiate a complaint by submitting concerns in writing to the City of Apache Junction Development Services Director, or his/her designee, at 300 East Superstition Boulevard, Apache Junction, Arizona 85119.

The Development Services Director, or his/her designee, is responsible for receiving, reviewing, and responding to all complaints including prequalification of applicant or contractor qualification. The City must issue a written response to any complaint within ten (10) working days of receipt.

If unsatisfactory to the complainant, a written appeal of the City's response shall be filed within ten (10) working days of receipt of the City's response. Appeals shall be made to the City Manager, by sending such appeal to 300 East Superstition Boulevard, Apache Junction, Arizona, 85119 Attn: City Manager. The City Manager shall be the final administrative decision maker. Further judicial appeals shall be in accordance with A.R.S. Title 12, 12-901.

Assistance from the City in preparing a grievance is available at no charge if needed due to either a disability or language limitation. Assistance will be provided through the Development Services Department at (480) 474-5090 TDD (480) 983-0095; FAX (480) 474-5102 or 300 East Superstition Boulevard, Apache Junction, Arizona 85119.

Additionally, the City of Apache Junction has adopted an internal complaint procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the federal regulations implementing Title II of the Americans with Disabilities Act ("ADA") and Title VI of the Civil Rights Act of 1964, as amended. Title II states, in part that "no otherwise qualified disabled individual shall, solely by reason of disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by the city.

All ADA and Civil Rights complaints made against the city, its employees, representatives, and contractors relating to facilities, programs, services and projects, shall be required to adhere to this process in order to file a grievance.

All equal employment opportunity complaints shall be filed with the Human Resources Department and may not be handled in the same manner as ADA and Civil Rights complaints under Titles II and VI.

Civil rights complaints are valid when the legal basis for the complaint is due to discrimination on the basis of race, color, national origin, religion, sex, disability, or familial status.

Depending on the complaint, the following persons shall be responsible for determining a resolution:

Complaints filed against the city whether a city program, service or project, will be reviewed by the ADA and Civil Rights Coordinator (“ACRC”) and forwarded to any applicable state and/or federal agency as required under their guidelines.

Additionally, the Arizona Department of Transportation (“ADOT”) Civil Rights Office will be provided all civil rights complaints regardless of the nature of the complaint relevant to a project funded in whole or in part by ADOT funding. ADOT will then follow their procedures to determine if the complaint is relevant to their area of jurisdiction. Subsequently, the ACRC and/or ADOT will make a determination and resolve the complaint within 60 calendar days.

Complaints filed against a contractor hired by the city shall be reviewed by the ACRC and a copy shall be provided to ADOT within 60 days. The complaint will be reviewed, investigated and resolved within 60 calendar days.

Complaints should be addressed to: Bryant Powell, ADA and Civil Rights Coordinator, 300 East Superstition Blvd., Apache Junction, Arizona, 85119, (480) 474-5066.

1. A complaint shall be filed in writing or digitally. It must contain the name and address of the complainant, and describe the nature and the date of the alleged violation of the regulations. The complaint must be signed by the complainant or by someone authorized to do so on his or her behalf. A complaint form is available on-line at www.ajcity.net/ada or by asking any city staff member.
2. A complaint must be made within 30 calendar days after the complainant becomes aware of the alleged violation.
3. The ACRC will call or meet with the complainant no later than 8 city working days after receipt of the complaint. An investigation, if needed or if appropriate, may follow the meeting. The investigation shall be conducted by the ACRC. Any investigation should be informal but thorough, affording all interested persons an opportunity to submit information relevant to the complaint.

4. The ACRC shall issue, as soon as possible, but not later than 30 calendar days after the complaint is received, a letter or email acknowledging the complaint, which includes a description of the resolution to the complaint. The decision of the ACRC shall be binding and final subject only to an appeal pursuant to A.R.S. 12-901, *et. seq.*
5. The ACRC shall retain all complaint records and associated documents pursuant to the city's record retention requirements, and shall dispose of them in accordance with such policy.
6. The right of a person to file a complaint under this procedure shall not affect the complainant's right to pursue other remedies such as filing of a complaint with the responsible federal or state agency. Use of this grievance procedure shall not extend the time for filing any complaint with the responsible federal or state department or agency.

MARKETING

The Housing Rehabilitation Program will be marketed using the following media: Brochures, Flyers, City of Apache Junction Website, the Housing Programs and Services Newsletter, The Citizen (Parks & Recreation Publication), City of Apache Junction's Cable Channel, the city's grants blog www.apachejunctiongrants.wordpress.com, and local newspapers including AJ News and the Independent.

Direct marketing to neighborhoods may also be conducted by mailing a postcard to residents within a targeted area notifying them of the city's programs.

Distribution of marketing materials will be through a local network of human/social services agencies and at general posting locations throughout the city which include but are not limited to the outlets below:

Human/Social Service Agencies

TRIAD	Neighborhood Watch Groups
Pinal County Housing	Pinal County Volunteer Center
CAAFSA	CAAG RSVP Program
ABIL	CAHRA
Salvation Army	Area HOA's
Apache Junction Food Bank	Boy's and Girl's Club
Project Help	HOPE Women's Center
Apache Junction Senior Center	Apache Junction School District
Apache Junction Community Development Corporation	
Apache Junction Chamber of Commerce	
Central Arizona Council on Development Disabilities	
City of Apache Junction Victim Assistance (Police Department)	
City of Apache Junction Victim Advocate (City Attorney's Office)	

Superstition Mountain Mental Health Center

Posting Locations

City Hall

Parks and Recreation

Library

Multigenerational Center

The City will make every effort to accommodate persons with disabilities and non-English speaking persons. See the section entitled Assistance to Applicants for additional information.

STAFFING AND ADMINISTRATIVE REVIEW

All administrative and supervisory work will be done by city staff. Procedures to protect applicants, HRP participants, and contractors are outlined in the sections entitled Complaint and Grievance Procedure and Non-Discrimination.

The City of Apache Junction's HRPC will be responsible for the following: application intake; income verification; case management; contractor procurement; change order approvals; and final inspection.

The HRPC can be reached at 300 East Superstition, Apache Junction, Arizona 85119. The HRPC can also be contacted at (480) 474-5090 or TDD (480) 983-0095.



NON DISCRIMINATION

The City of Apache Junction, or any of its sub recipients, do not discriminate in any activity on the basis of race, color, religion, sex, disability, familial status, or national origin.

The City of Apache Junction is an Equal Opportunity Employer, Minority Contractors participation is encouraged DBE/MBE/WBE. A copy of the City's Equal Employment Opportunity Policy is available on-line at <http://www.ajcity.net/index.aspx?nid=556> .

ASSISTANCE TO APPLICANTS

Should an individual need assistance in preparation of an application, assistance will be provided, at no charge, through the Development Services Department. The

Department can be reached at 300 East Superstition, Apache Junction, Arizona 85119. Assistance can also be requested at (480) 474-5090 or TDD (480) 983-0095. Applicants may request assistance because of a: 1) physical/mental/emotional disability or 2) limited ability to speak/read English.

FAIR LABOR STANDARDS

The provisions of the FLSA are not applicable to the rehabilitation of single family homes under this program.

APPLICABLE DOCUMENTS

The city’s HRP uses guidance from the following sources of information pertaining to the administration of the HRP:

- 1) Arizona Department of Housing Owner Occupied Housing Rehabilitation Standards
- 2) United States Department of Housing and Urban Development Housing Quality Standards.
- 3) United States Environmental Protection Agency Information regarding Lead Based Paint.
- 4) Arizona Department of Housing, State Housing Fund Program Summary and Application Guidelines.
- 5) Arizona Department of Housing Community Development Block Grant Handbooks.
- 6) Arizona Department of Housing Owner Occupied Housing Rehabilitation Weatherization Standards.
- 7) City of Apache Junction City Ordinances and adopted Building Codes.
- 8) City of Apache Junction Housing Rehabilitation Program Construction Guidelines.

CHANGES TO HOUSING REHABILITATION PROGRAM GUIDELINES

The Housing Rehabilitation Program Guidelines are generally adopted with revisions annually, however should an emergency change within the Housing Rehabilitation Guidelines as adopted by the city council be required throughout the program year, the Mayor shall submit a letter in writing to the Arizona Department of Housing ten (10) days prior to the change coming into effect.

FORMS

A complete packet of forms utilized by the City’s Housing Rehabilitation Program are available upon request. Below is the listing of those forms.

Form	Form
Application which includes: Authorization for Release of Info, Verification of Employment, Affidavit of Non-Income, Declaration of Citizenship	Work Write Up including cost estimates Owner Acceptance of Work Write Up Contractor Participation Statement Contract between Contractor and Owner

Income Verification Determination Sheet	Owner's Color Preference Verification
Agreement which includes: Certification of	Change Orders
Principal Residence, Federal Assistance	Final Acceptance of Work Completed
Notice, Complaint and Grievance Procedure,	Final Invoice and Waiver of Lien
Disclaimer	Truth In Lending Form, Right of Rescission, Promissory Note,
Development Services Due Diligence	Deed of Trust, Release of Lien