



Texas Housing Trust Fund
2021 Amy Young Barrier Removal Program Notice of Funding Availability
Amended December 8, 2020

1) Summary

- a) The Texas Department of Housing and Community Affairs (the Department) announces a NOFA of approximately \$1,699,531 in Texas Housing Trust Fund for the Amy Young Barrier Removal (AYBR) Program. \$1,545,028.18 is made available for Project Costs, and \$154,502.82 is made available for Administration. The funds will be available for Reservations beginning Tuesday, September 1, 2020, at 10:00 a.m. Austin local time.
- b) The availability of these funds are subject to the AYBR rules, including, but not limited to the following Texas Administrative Code (TAC) rules in effect at the time of application review or contract execution (as applicable), Title 10, Part 1, Chapter 1, Administration; Chapter 2, Enforcement; Chapter 20, the Single Family Programs Umbrella Rule; Chapter 21, the Minimum Energy Efficiency Requirements for Single Family Construction Activities; Chapter 26, the Texas Housing Trust Fund Rule; and Tex. Gov't Code §2306; and the Uniform Grant Management Standards (UGMS) as outlined in Chapter 783 of the Texas Local Government Code. Administrators should familiarize themselves with all rules governing the AYBR Program, and must follow the processes and procedures as required by the Department's reservation agreement, Program Manual, forms, and this NOFA.
- c) Capitalized terms in the NOFA have the meanings defined herein, or as defined in State Rules.

2) Source of Funds

- a) Funds totaling \$1,699,531 are made available for the AYBR Program allocations for state fiscal year 2021 through State of Texas General Revenue appropriation to the Housing Trust Fund. The Biennial Housing Trust Fund Plan detailing the allocation of the State Housing Trust Fund may be reviewed on the TDHCA website at <https://www.tdhca.state.tx.us/htf/background.htm>. The Department, in its sole discretion, also reserves the right to cancel or modify the amount available in this NOFA.

3) Eligible Activities

The AYBR Program provides one-time grants of up to \$22,500 to Persons with Disabilities in a Household qualified as Low-Income. Grants are for home modifications that increase accessibility, eliminate life-threatening hazards and correct unsafe conditions. Specific program guidelines can be found at 10 TAC Chapter 26, Texas Housing Trust Fund Rule, Subchapter B, Amy Young Barrier Removal Program.

4) Limitation on Funds

- a) Funding under the NOFA may be made available through the Reservation System to Administrators with an active 2020-2021 AYBR Program Reservation System Agreement (AYBR RSP Agreement). Applications to request an AYBR RSP Agreement are accepted on an ongoing basis, funding permitting. Applicants requesting an AYBR RSP Agreement must submit a completed Application, required documentation, and associated Application materials as detailed in Section 8 of this NOFA.
- b) Administrators with an active AYBR RSP Agreement may access the Reservation System during all of the funding phases described below. Beginning September 1, 2020, as described in Section 6 of this NOFA, funds will be made available on the Department's Reservation System on a first-come, first-served basis.
- c) Reservation Setups submitted prior to the Reservation start date per the Reservation System time stamp will be disapproved, but may be resubmitted if funding remains available.
- d) Each Administrator that completes an AYBR Project may be eligible to receive funding for reimbursement for Administrative costs in an amount not to exceed 10% of the Project Funds expended on the Activity. This allowance is referred to as an Administration Fee in at 10 TAC §26.21(a)(1). This should not be construed to mean that Administrative funds may be paid to an Administrator as a flat fee; Administrators must retain documentation of having incurred eligible Administrative expenses in an amount equal to or exceeding the request for reimbursement of Administrative expenses in accordance with the requirements for subrecipients in UGMS.

5) Geographic Dispersion

- a) To promote the geographic dispersion of AYBR Program funds, the funds will be made available in three phases in each Uniform State Service Region (the "Service Region") and in each Service Region's rural and urban subregions. For a map of State Service Regions and a list of rural and urban places, please visit the Program website: <http://www.tdhca.state.tx.us/single-family/amy-young.htm>.
- b) Amounts reflected in the table below do not include funding for Administration; approved Reservation Setups will be granted 10% of the Reservation Setup amount for

Administration Fee, which may be drawn upon Project completion subject to the limitations outlined in Section 4 of this NOFA.

State Service Region	Urban Subregion	Rural Subregion	Total Available in Region
1	\$60,000	\$58,848.32	\$118,848.32
2	\$60,000	\$58,848.32	\$118,848.32
3	\$60,000	\$58,848.32	\$118,848.32
4	\$60,000	\$58,848.32	\$118,848.32
5	\$60,000	\$58,848.32	\$118,848.32
6	\$60,000	\$58,848.32	\$118,848.32
7	\$60,000	\$58,848.32	\$118,848.32
8	\$60,000	\$58,848.32	\$118,848.32
9	\$60,000	\$58,848.32	\$118,848.32
10	\$60,000	\$58,848.32	\$118,848.32
11	\$60,000	\$58,848.32	\$118,848.32
12	\$60,000	\$58,848.32	\$118,848.32
13	\$60,000	\$58,848.32	\$118,848.32
Total	\$780,000	\$765,028.18	\$1,545,028.18

6) Allocation of Funds

- a) Approximately \$1,545,028.18 are made available for Project Costs, and \$154,502.82 is made available for Administration through the AYBR Program Reservation System subject to the limitations outlined in Section 4 of this NOFA. In accordance with Geographic Dispersion limitations outlined in Section 5 of this NOFA, funds will be available under each Uniform State Service Region by subregion (Rural and Urban) beginning on **Tuesday, September 1, 2020, at 10:00 a.m.** Austin local time until **Monday, October 19, 2020, at 5:00 p.m.** Austin local time.
- b) On **Tuesday, October 20, 2020, at 10:00 a.m.** Austin local time, any funds which have not been requested under section 6(a) of this NOFA will collapse within each region and will be made available by Uniform State Service Region until **Monday, December 7, 2020, at 5:00 p.m.** Austin local time.
- c) On **Tuesday, December 15, 2020, at 10:00 a.m.** Austin local time, any funds which have not been requested under sections 6(a) or 6(b) of this NOFA will collapse, and be made available in any Uniform State Service Region.
- d) Additional Program funding may become available from cancellations of Reservation Setups. The Department will release any available funds from cancellations on Tuesdays at or after 10:00 a.m. Austin local time. If the Department offices are closed on a

Tuesday, the funds, if any, will be released the next business day on which the offices are open.

- e) Except as limited in this NOFA or by statute, the Department may reprogram funds at any time to the AYBR Reservation System, or to administer directly.
- f) An alternative timeline and method of releasing funds may be implemented, at the Department's sole discretion. Subsequent changes to the timeline or method of release will be published on the Department's website. However, failure to do so will not invalidate reservations that are otherwise made in accordance with this NOFA.
- g) Updated balances for the AYBR Reservation System may be accessed online at <https://www.tdhca.state.tx.us/htf/single-family/amy-young.htm>. Reservations of funds may be submitted at any time during the term of a RSP Agreement, as long as funds are available in the Reservation System. Participation in the Reservation System is not a guarantee of funding availability.

7) Eligible and Ineligible Applicants

- a) Eligible Applicants include Units of General Local Government, Nonprofit Organizations, Public Housing Authorities, Local Mental Health Authorities, and Councils of Government.
- b) Ineligible Applicants include Participating Jurisdictions (i.e., cities and counties) that receive a direct award of HOME funding from the U.S. Department of Housing and Urban Development, unless during the prior state fiscal year there was not another AYBR Administrator in the Participating Jurisdiction. HOME Participating Jurisdictions may consult with Program staff to determine their eligibility to apply for an AYBR Reservation Agreement.
- c) Applicants are required to familiarize themselves with the Department's certification and debarment policies prior to application submission.

8) Application Submission

- a) The Department is accepting applications from eligible entities seeking to become Administrators of the funds in this NOFA. Only Administrators with an executed and valid AYBR Program Reservation System Agreement will have access to the AYBR Reservation System.
- b) Entities seeking access to funding in this NOFA must complete the Reservation System Access Application available on the Program website, including a Previous Participation Review (see 10 TAC Chapter 1 Subchapter C). The Department will accept Reservation System Access Applications on an ongoing basis, funding permitting.
- c) Eligible entities must provide the Department descriptions of staff experience and the history of participation in relevant programs that confirm the following:

- i) Experience of at least 2 years in providing housing rehabilitation services to Low-Income Households in Texas;
 - ii) Experience with accessibility standards, applicable building codes, and construction serving the needs of Persons with Disabilities; and
 - iii) Qualifications of Administrator's housing inspector(s), according to the Qualified Inspection Certification form on the Program website.
- d) A partnership with another entity that meets the above history of participation is acceptable, but must be documented with a contract or memorandum of understanding (only allowable for intergovernmental agreements or an agreement between an entity and its Affiliate), subject to Department approval. Letters of support or intent will not meet the history of participation requirements.
- e) Entities seeking to become an Administrator of the Program must complete the Reservation System Access Application available on the website at <https://www.tdhca.state.tx.us/hhf/single-family/amy-young.htm>, including a Previous Participation Form for Single Family and Community Affairs located at <https://www.tdhca.state.tx.us/pmcdocs/SF-PrevParticipationForm.xls>. Completed Applications may be submitted to HTF@tdhca.state.tx.us. Applications will be reviewed in the order in which they are received.

9) Reservation System Guidelines

- a) An Administrator may not have more than 5 reservations in "active" status from this NOFA at any one time *in their corresponding state region* until the service region collapse on **Tuesday, October 20, 2020**, at which time the maximum allowable reservations in "active" status will be **increased to 10**. Completed activities that are undergoing processing of the draw request (in "Pending PM2 Approval" status) do *not* count towards the limit of 10 active reservations.
- b) On **Tuesday, December 15, 2020**, at statewide collapse, the maximum allowable reservations in "active" status will be **increased to 15**. Completed activities that are undergoing processing of the draw request (in "Pending PM2 Approval" status) do *not* count towards the limit of 15 active reservations
- c) An Administrator may have an additional 5 reservations in "active" status from this NOFA at any one time *in other regions, which will not be counted as part of the number of reservations calculated in a) and b) in this section*. Completed activities that are undergoing processing of the draw request (in "Pending PM2 Approval" status) do *not* count towards the limits of active reservations.
- d) The Department reserves the right to suspend or limit access to the Reservation System for Administrators out of compliance with Program requirements such as past due Single Audits or Audit certification forms; late responses to Compliance monitoring or Audit Management letters, Administrator ineligibility, inadequate staffing or inadequate

capacity, complaints, etc. The Department may restore Administrator access upon the Department's acceptance of required documentation.

- e) The Department may de-authorize access to the Reservation System by an Administrator and terminate their AYBR Program Reservation System Agreement if the Administrator does not meet requirements in this NOFA, violates the Department Rules, or violates the AYBR Program Reservation System Agreement.

10) Property and Construction Guidelines

- a) Owner-occupied homes and certain rental units are eligible for Program assistance in accordance with 10 TAC §26.26.
- b) In owner-occupied homes, the owner of record must reside in the home as their permanent residence unless otherwise approved by the Department. If the property is family-owned and the owner of record is deceased or not a Household member, the Department may deem the property renter-occupied unless satisfactory documentation is provided to the Department that confirms otherwise.
- c) In rental units, all Household occupants, including the Person with Disability, must be named on the Program Intake Application and Household Income Certification. Program funds may not be used to correct hazardous or unsafe conditions in rental units, but may be used for accessibility modifications after the life-threatening hazards and unsafe conditions have been corrected by the property owner at the property owner's expense.
- d) Administrators must follow the construction requirements in 10 TAC §26.27.
- e) Administrators must follow all applicable sections of their local building codes and ordinances. In the absence of local building code, Administrators must adhere to the construction standards and guidelines detailed in the Program Rule and Manual.

11) Reservation Stage 1 – Household Eligibility Review

- a) The Program Manual and the Reservation System User Guide outline how to determine income eligibility and submit Reservation Setups.
- b) After collecting and verifying the required Household income and property eligibility documentation, the Administrator shall enter the Reservation Setup information into the online Reservation System, upload and submit all required forms as described in the Program Manual and Reservation System User Guide, and reserve up to the maximum of \$22,500 in Project Costs per Household.
- c) The Department will process Reservation Setups in the order submitted on the Reservation System. Submission of a Reservation Setup on behalf of a Household does not guarantee funding.

- d) The Department will attempt to review the Reservation Setup documentation within 15 calendar days of submission by the Administrator.
- e) If the Reservation Setup is incomplete, as defined in the Program Manual, it will be set back to "pending" status and funds will be released and available for other reservation requests. If the documentation needs correction or additional information, the Department will notify the Administrator of the deficiencies in writing. If any deficiencies remain uncured 10 calendar days after notification, the Department may cancel the reservation. No extensions to Reservation Setups will be granted but the Administrator may resubmit the Reservation Setup, if funds are available.
- f) Once the Department approves the Reservation Setup, the Department will reserve up to the maximum of \$22,500 in Project Costs and an Administration Fee equal to 10% of the Project Costs in the Reservation System on behalf of the Household. The Department will notify the Administrator via an automated email of the completion of Stage 1 and instruct the Administrator to proceed to Stage 2.

12) Reservation Stage 2 – Initial Inspection, Work Write-Up & Cost Estimate Review

- a) When the Department approves the Reservation Setup and sets it to “active” status in the Reservation System, Project Costs and the associated Administration Fee will be reserved for the Household for a period of 90 calendar days. During this time, the Administrator must complete the initial inspection, “before” photos, work write-up and cost estimation forms and upload and submit all required documentation as described in the Program Manual.
- b) The Department will attempt to review the Stage 2 documentation within 15 calendar days of submission by the Administrator.
- c) If documentation needs correction or additional information, the Department will notify the Administrator of the deficiencies. If any deficiencies remain uncured 15 calendar days after notification, the Department may cancel the reservation.
- d) Once the Department completes its review and approves the Stage 2 submission, the Department will notify the Administrator via an automated email of the completion of Stage 2 and instruct the Administrator to proceed to Stage 3.

13) Reservation Stage 3 – Construction Contract Bid Review

- a) Within 90 calendar days of the Stage 2 approval, the Administrator must upload and submit the line item bid selected for contract award and other required documentation as described in the Program Manual.
- b) The Department will attempt to review the Stage 3 documentation within 15 calendar days of submission by the Administrator.

- c) If documentation needs correction or additional information, the Department will notify the Administrator of the deficiencies. If any deficiencies remain uncured 15 calendar days after notification, the Department may cancel the reservation.
- d) Once the Department completes its review and approves the Stage 3 submission, the Department will notify the Administrator via an automated email of the completion of Stage 3 and instruct the Administrator to proceed with construction.

14) Reservation Stage 4 – Draw Review

- a) The Administrator has 90 calendar days from the Stage 3 approval to complete all construction activities and upload and submit both the Project Costs and Administration Fee draw requests. The Program Manual and the Reservation System User Guide outline preparing and uploading draw requests. If the Administrator fails to meet this deadline, the Reservation may be canceled.
- b) The Department may grant a one-time, 30-calendar-day extension to the Project completion deadline. The Department may grant an additional extension due to extenuating circumstances that are beyond the Administrator's control.

15) Dispute Resolution/Appeal

- a) In accordance with Tex. Gov't Code §2306.082 and 10 TAC §1.17, it is the Department's policy to encourage the use of appropriate alternative dispute resolution ("ADR") procedures under the Governmental Dispute Resolution Act, Tex. Gov't Code Chapter 2009, to assist in resolving disputes under the Department's jurisdiction. As described in Chapter 154, Civil Practices and Remedies Code, ADR procedures include mediation. Except as prohibited by the Department's ex parte communications policy, the Department encourages informal communications between Department staff and Applicants, and other interested persons, to exchange information and informally resolve disputes. The Department also has administrative appeals processes to fairly and expeditiously resolve disputes. If at any time an Applicant or other person would like to engage the Department in an ADR procedure, the person may send a proposal to the Department's Dispute Resolution Coordinator. For additional information on the Department's ADR Policy, see the Department's Rule on ADR at 10 TAC §1.17.
- b) An Applicant may appeal decisions made by staff in accordance with 10 TAC §1.7.

For questions regarding this NOFA, please contact Diana Velez, Administrator of the Amy Young Barrier Removal Program, at (512) 475-4828 or via email at HTF@tdhca.state.tx.us.