



# WASHINGTON COUNTY

OFFICE OF COMMUNITY DEVELOPMENT

HOUSING REHABILITATION PROGRAM POLICIES

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## PROGRAM OVERVIEW

Washington County, acting by and through the Office of Community Development, shall provide housing rehabilitation, accessibility and/or repair assistance through the Community Development Block Grant (CDBG) program<sup>1</sup>, as approved by the U. S. Department of Housing and Urban Development (HUD), to income eligible applicants residing within Washington County, excluding the city of Beaverton and the city of Hillsboro.<sup>2</sup>

The owner-occupied Housing Rehabilitation Program is designed to preserve existing housing and enhance the quality of the neighborhoods by providing decent, safe, and sanitary housing for extremely low, very low- and low-income homeowners<sup>3</sup> as defined by HUD.

The Housing Rehabilitation Programs included herein are conducted in accordance with all applicable laws, rules, codes and regulations of Washington County, cities located within Washington County, the State of Oregon, and HUD.

The policy guidelines contained herein have been developed on a general basis and some interpretation of these guidelines may be required from time to time. Interpretation of policy guidelines shall be the responsibility of Housing Rehabilitation staff or the designated representative consistent with CDBG rules and regulations, and other Federal, State, and local laws.

## PURPOSE

The purpose of this document is to establish and standardize the policies of Washington County's owner-occupied Housing Rehabilitation Program to promote fairness, consistency, and equitable treatment of applicants and recipients of program services. The goals of the owner-occupied Housing Rehabilitation Program are:

1. Assist residents with lower incomes.
2. Preserve habitable and affordable single-family housing stock in Washington County.
3. Eliminate unsafe and unhealthy conditions in low-income homes.
4. Assist residents and renters with lower incomes who are elderly or disabled, or both, by improving accessibility within their homes or rental units.
5. Enable elderly residents to live independently within their own homes by providing assistance to make repairs to their homes.
6. Reduce home energy consumption & costs by improving energy conservation of homes.

The Housing Rehabilitation Program is designed to bring eligible dwellings into compliance with applicable codes and standards to reduce ongoing and future maintenance costs, promote energy efficiency, and preserve decent affordable owner-occupied housing. Washington County currently has two Housing Rehabilitation programs:

1. Home Access and Repair for Disabled and Elderly (HARDE)
2. The Deferred Interest-Bearing Loan Program (DIBL)

***Washington County's Housing Rehabilitation Program is not intended to address maintenance issues or to be used for homeowners who intend to sell their home upon completion of rehabilitation.***

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<sup>1</sup>Should HOME Program assistance be utilized for this program in the future, these policies would also apply except that full code improvements will be required.

<sup>2</sup>Washington County manages the City of Hillsboro Housing Rehabilitation Program pursuant to a separate Intergovernmental Agreement (IGA) which *incorporates these policies*. The City of Beaverton and the City of Hillsboro each administer their own CDBG programs. Washington County funds cannot be used to fund a project in those cities unless under an intergovernmental agreement.]

<sup>3</sup>Applicants, who are under a rental contract, may qualify for accessibility improvements through the HARDE program.

## ADMINISTRATION

The Housing Rehabilitation Program is funded by the Housing and Urban Development (HUD) with Community Development Block Grant Funds (CDBG). Washington County Office of Community Development is responsible for the administration and execution of all program activities in compliance with the adopted policies, procedures, and applicable HUD regulations. The Housing Rehabilitation Coordinator is responsible for general oversight of the program, which includes policy oversight and program implementation. The Community Development Program Manager is responsible for community relations issues associated with the program. All policies and procedures contained herein, or amendments made to, become effective on the date of approval by the Policy Advisory Board.

## APPLICABILITY

While all rehabilitation awards are subject to the requirements of this policy and related procedures, there may be additional special provisions and limitations on rehabilitation awards. Consequently, additional requirements not shown in this policy or procedures may apply. This policy, and the procedures provided herein, may be amended from time to time by Housing Rehabilitation staff and approved by the Policy Advisory Board to reflect changes in the requirements. Housing rehabilitation assistance shall be provided until all funding has been expended.

## EQUAL OPPORTUNITY

Washington County's Housing Rehabilitation Program does business in accordance with the Federal Fair Housing Law, Federal Equal Credit Opportunity Act, and all applicable state laws. These laws, among other things, provide that it is illegal to discriminate against any person based on race, color, religion, sex, familial status, disability, or national origin.

Any individual participating in the Housing Rehabilitation Program who believes that they may have been discriminated against may discuss the matter may contact Washington County. A full description of how to contact the county can be found on page 14.

## TYPES AND TERMS OF HOUSING REHABILITATION ASSISTANCE

The Home Access and Repair for the Disabled and Elderly (HARDE) program is to provide grants up to \$15,000 to assist elderly (age 62 or older), and/or disabled homeowners or renters with incomes at or below 50% of median family income based on the Portland Metropolitan Statistical Area (PMSA) with repairs or accessibility improvements to their home.

Repairs to vital components of the home are essential, including but not limited to, mechanical, electrical, plumbing, and structural to ensure a decent, safe, and healthy living environment and are eligible for grants. Eligible repairs also include repairs to address accessibility to remove material and architectural barriers which restrict mobility and ease of access to the dwelling for elderly and disabled occupants. Housing Rehabilitation staff will inspect the dwelling to ensure it meets the requirements of the HARDE program to determine eligibility. HARDE assistance is in the form of a grant and is therefore not subject to repayment.

Applicants who qualify for the HARDE program are prohibited from using funds for non-essential repairs or luxury costs. Costs for items such as remodeling, swimming pools, spas, and new fence construction are excluded from funding. In general, cosmetic improvements that are not essential to the long-term structural soundness of the dwelling or not necessary to the health and safety of the occupants will not be authorized and will not be eligible for the program.

The Deferred Interest-Bearing Loan (DIBL) program is to provide deferred loans up to \$25,000 to assist homeowners with lower incomes (at or below 80% of median family income based on the PMSA), with repairs or accessibility improvements to their home. DIBL rehabilitation assistance is available to homeowners who need larger rehabilitation of the dwelling to ensure a decent, safe, and healthy living environment. DIBL assistance is in the form of a loan and a lien will be placed on the property. Loans do not require monthly payments (i.e., they are deferred) and will accrue interest at 3% annually for the first ten years). Housing Rehabilitation staff will inspect the dwelling to ensure it meets the requirements of the DIBL program to determine eligibility.

Applicants that qualify for DIBL assistance must hold “fee simple title” or a be purchasers under a valid and enforceable land sale contract. The land sale contract must state the current owner, as identified on Washington County Assessment and Taxation, the purchaser, and the purchase amount, payment terms, and term of the agreement.

Homeowners who qualify for DIBL assistance may use up to 10% of the loan amount for non-essential items. Non-essential items are items that are not necessarily in need of repair but increase the livability/efficiency of the home. Examples: light fixture upgrade, plumbing fixture upgrade, flooring upgrade, etc. Non-essential items identified by the homeowner that do not fall into the scope of the DIBL program must be approved by the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist. Non-essential items will be approved only if all code and necessary repair items have been addressed.

Rehabilitation assistance under HARDE and DIBL is available to homeowners residing in homes that are substandard and suitable for rehabilitation. Funds shall be used for those repairs necessary to bring the home to a basic acceptable living condition. In addition to home repairs, most projects can include provisions for correction of health/safety code violations issued by Code Enforcement or a Homeowners Association (HOA). Washington County Housing Rehabilitation staff will make the determination whether a home is not suitable for rehabilitation.

The Program Manager upon determination of an unusual circumstances or market conditions, may approve a scope of work that is above the grant amount as stated in this policy. Housing Rehabilitation staff will submit to the Program Manager a request in writing to justify the reason for the scope of work being over the allotted grant amount. The Management Analyst will be responsible for ensuring there are enough funds to allow for the increase. In the event of a change order the project may exceed the original approved amount by up to 10%.

## ADDITIONAL ELIGIBILITY CONSIDERATIONS

Applicants who have had a previous DIBL, have repaid the loan in full, and three (3) years has passed from project closeout, may apply for and be eligible for another loan.

Applicants who have received a DIBL loan and have not expended all the funds, up to \$25,000, may reapply and be put on the waiting list, and requalify, to utilize any remaining funds.

If an applicant has received a HARDE grant, and lives in a qualifying home, they may apply for a DIBL loan after one (1) year has passed.

Applicants who have received a HARDE grant in the past and reside on the same property for which the grant was received, may receive additional assistance if all funds have not been expended to the maximum grant amount can reapply for emergency repairs only and will be required to re-qualify. The applicant would be placed on the waiting list.

Applicants who have received a HARDE grant in the past and live on a different property from which the previous grant was received, may apply for the HARDE program if three (3) years has passed.

Applicants who live on a property where a HARDE grant was received by a different owner may apply for the HARDE program. They will be placed on the wait list.

If an applicant has had and expended previous HARDE funds they are eligible to apply and receive the full amount of a Grant after five (5) years has passed. The applicant will need to complete a new application and qualify for the program and would be placed on the waitlist.

## APPLICATION

Applications for HARDE and DIBL are processed on a first-come, first-served basis. Application can be mailed, faxed, emailed or hand delivered. Electronic signatures are accepted. Once an applicant is qualified, a project may be assessed and ranked against other qualified applications in based on code compliance priorities; any emergency code non-compliance event need takes priority. Emergencies may include, but are not limited to, a failed heating system in winter, leaking roof, failed electrical or plumbing/septic systems. Housing Rehabilitation staff may reject any application despite the presence of eligible work. Reasons for rejection may include but are not limited to: lack of program funds, conditions requiring substantial rehab beyond the scope of the program, rehab cost exceeding program limits, title issues, ineligible tenants, or factors that suggest the applicant may be unable to comply with the terms of the program.

## WAITLIST MANAGEMENT

The waitlists for HARDE and DIBL will be maintained in accordance with this policy. Applicants will be placed on the waitlist when the application is received. Applicant information will be entered and maintained in the database until the application reaches the top of the list. Once at the top of the list the qualification process will start, and the applicant will be contacted by phone, letter, or an email to request additional documentation. Applicants that have critical or emergency repairs may be moved to the top of the waitlist. Critical or emergency repairs include but are not limited to, leaking water in the home, failure of a vital component, lack of accessibility to adequate water supply, failed sewer, or an actively leaking roof. A homeowner in a manufactured housing community that has received an eviction notice due to issues that can be addressed by the HARDE program may also be eligible to move to the top of the waitlist.

## OVERVIEW OF THE HOUSING REHABILITATION PROCESS

The applicant can call or come into the Office of Community Development to complete a questionnaire. Verbal information will be collected regarding income and ownership, as well as a brief description of the repairs being requested. If it appears an applicant preliminarily qualifies for the program, the applicant will be given an application and an income questionnaire. A returned completed application, with questionnaire, will be placed on the waitlist. Full determination of eligibility occurs when an applicant reaches the top of the waitlist.

Applicants will be contacted to participate in the program according to the application date (the date initially applied). Exceptions may be given to emergency repairs, which will be addressed as soon as possible.

Once an applicant has completed the application and is placed on the waitlist and their project is ready to move forward, additional information will be requested, by phone, letter, or email. The applicant will be required to respond with the requested information within 14 days. Housing Rehabilitation staff will keep a log of all contact with an applicant.

The applicant will be found non-compliant or non-responsive if:

1. The applicant does not timely respond.
2. The applicant does not provide the required documentation available for completion of their application.
3. Applicants taking more than 30 days to complete the application process shall be deemed non-responsive.

If an applicant is found non-compliant or non-responsive during the application process, the applicant will be notified in writing, by email or conventional mail after the 14-day period, informing the applicant they have been removed from the waitlist and will have to reapply.

If an applicant has a valid reason and is not able to complete the application process in the 14-day period, the applicant may request an extension in writing noting the reason they are not able to complete the process. The Housing Rehabilitation staff will decide to approve or deny the extension. In no circumstance shall an extension go over 30 days.

## HOUSEHOLD SELECTION AND ELIGIBILITY

Eligible applicants will be accepted to participate in the Housing Rehabilitation Program in the order that their application appears on the waitlist. If there is no waitlist, applicants will be selected on a first-come first-served basis.

Applicants must submit all information requested in the letter received within 14 days. Applicants must provide complete and accurate information regarding household composition, household income, and housing situation. Failure to disclose information which may affect the eligibility requirements may constitute fraud and result in denial of the application.

Household eligibility will be assessed as follows:

1. **Ownership**—applicant must be named on the recorded warranty deed or title, as the owner of property. If a property has been inherited, the necessary legal documentation must be submitted and must be filed with Assessment and Taxation proving ownership. If a property is in probate, the probate process must be completed, and ownership established before assistance can be given. Land/Sale Contracts are a valid proof of ownership as long as the contract is between the current recorded or titled owner and the applicant and must have equity to protect the loan. If a person or persons is on a title is deceased and the applicant isn't financially able to remove the person this will be acceptable. Ownership that shows a beneficiary put on title to protect the property in the event of owner's death will be accepted.
2. **Occupancy**—homeowners must reside in the property. Owners who apply and do not occupy the property, either temporarily or permanently, will be denied. The only exception to this eligibility requirement is if a tenant is applying for accessibility improvements. If a tenant applies, the owner of the property must be on title and a valid rental agreement between the tenant and property owner must be in place.
3. **Property Taxes**—property taxes must be up to date to qualify for the DIBL program. The HARDE program does allow for deferral of property taxes.
4. **Mortgage Payment**—must be current (DIBL program).
5. **Maximum Income**—for the purpose of the Housing Rehabilitation programs, all persons named on the title and all persons occupying the property are considered household members for determining income eligibility. All household members aged 18 and over are required to submit income verification documents regardless of relationship to applicant.
6. **Tenant Income**—if a household has renters residing in the home, the renter's income is not counted toward household income. The proceeds of the rent paid to the homeowner are counted toward household income. A valid written rental agreement shall be submitted with the application. The rental agreement shall, at minimum, include lease term, owner, occupants, rental amount, and due date.

## ASSETS

### **HARDE**

Household assets may not exceed \$100,000 for the HARDE program.

### **DIBL**

Household assets may not exceed \$200,000 for the DIBL program.

Asset calculation includes liquidable retirement accounts, investments, and other real assets held for investment purposes as per HUD's Part 5 Inclusions and Exclusions to Calculating Income. Asset income values shall be calculated at either (i) real value of interest; (ii) income generated; or (iii) at the Passbook rate of 2%.

In addition to the monetary limits listed above, assets include other properties owned by applicant. The applicant may own another property if the property is used as an investment property for the purpose of additional income. Investment properties will not be included in the asset limit calculation on liquidable assets used to determine eligibility for the programs. Investment properties must be at or below the HOME Homeownership Value Limits, updated annually by HUD. To provide evidence of income from investment properties documentation detailing the arrangement and income received must be submitted as part of the determination of income process. Acceptable documentation includes but is not limited to lease agreements, tax returns detailing the rent received alongside bank statements showing the deposits, other items to be accepted at the discretion of the Housing Rehabilitation staff.

## INCOME

The annual income definition found at 24 CFR Part 5 will be used to income-qualify an applicant. Annual income is used to determine program eligibility. The Part 5 definition of annual income is the *amount of income of all adult household members, age 18 and over, that is anticipated to be received* during the coming 12-month period. Applicants must meet the income guidelines that are updated annually by HUD.

In addition to the information requested on the application and income questionnaire, complete, accurate and up-to-date documentation of income is required of all applicants.

Income documents shall be:

1. Required for all household members aged 18 and over.
2. Zero Income Certification shall be required for all household members aged 18 and over who are not employed.
3. Copies – original documents will not be accepted.
4. No more than 6 months old at the time of qualification.
5. Complete and must include all pages.
6. Other self-certification documents may be required, No Bank Account form, Self-Employment form, Home Business form, etc.

Documents can be mailed, faxed, e-mailed, or dropped off in person at the Office of Community Development.

## INCOME DOCUMENTATION

The applicant shall provide, as applicable, all the following documentation, based on the income questionnaire:

1. Pay Stubs - 3 months.
2. Social Security/Social Security Disability Benefit Award Letter, current year.
3. Veterans Benefit Letter.
4. Workers Compensation Letter.
5. Alimony, copy of court order.
6. Regular Monetary Contributions.
7. Child Support Statements for past 12-months including dollar amount received. For support not paid through a court order, submit a statement from the person providing the payments.
8. Retirement Pensions/Annuities statement verifying gross monthly benefit.
9. Interest Statements.
10. Unemployment Compensation Benefit Letter.
11. Self-employment Income provide a copy of IRS Tax Return and Profit and Loss Statement. If applicant does not file taxes a notarized statement reflecting earnings and expenses for the last two years, including dates, address of jobs, amounts paid, related expenses, and IRS Verification of Non-filing status for last two years.
12. Bank Statement - 3 months, all pages.
13. Public Assistance Letter.
14. Any other income document that may apply.
15. Assets statements for past 3 months: assets shall include checking, savings, other bank accounts, stocks, bonds, CD's, trusts, real estate, and cash held by any household member.
16. Home business applicants shall provide most current year's tax return.

## PROPERTY ELIGIBILITY

1. The property must be in Washington County, excluding the city of Beaverton and the city of Hillsboro.
2. The property must be owner-occupied. The only exception to this is for rental properties for tenant accessibility improvements. This requires the owner of the property to complete and submit HARDE Rental/Owner Agreement Document.
3. The annual income and all household members over the age of 18, occupying the property must not exceed HUD established income guidelines.
4. The property must not have any federal, state, or municipal tax liens.

5. Applicants applying for DIBL cannot have a reverse mortgage.
6. The property must not be offered for sale.
7. The property must be economically feasible for rehabilitation. If costs for repairs exceed program limits, or a home is such disrepair that the costs are not justifiable, the property may not be eligible.
8. Applicants will be required to clean up any accumulation of personal items, old furniture, junk, or other property that may impede the ability of the contractor to complete the scope of work.
9. The structure must NOT be located in a floodway. A structure in a defined 100-year flood plain must show proof of flood insurance.
10. Marijuana, including medical marijuana, must not be present on any property that receives Community Development Block Grant funding. HUD has declared that marijuana is a federally illegal substance, regardless of state law.
11. No loan will be made that will cause the total debt on the property to exceed 100% of the after-rehab value. Applicants shall have a minimum of 10% equity in the property at the time of application.

## ENVIRONMENTAL REVIEW

In accordance with HUD regulations, the environmental effects of each activity carried out with federal funds must be assessed. Washington County is responsible for conducting Environmental Review of projects selected for Housing Rehabilitation Program funding. Compliance with environmental requirements is mandatory prior to the applicant entering into any contracts or any work being done on the project. The applicant is responsible for providing all documentation that is requested by Housing Rehabilitation staff relevant to the Environmental Review. The following documentation will be submitted to the Program Manager for signature:

1. Ownership Information
2. Site Specific Evaluation by HR Staff
3. File Checklist
4. Wetlands Map
5. Geonet Map
6. Flood Plain Map
7. Environmental Justice Report (EJ Screen)

## HISTORIC PRESERVATION (SHPO)

Homes of historic value will be reviewed on a case-by-case basis by Housing Rehabilitation staff. Staff will determine the age of the home based on Assessment and Taxations records. If a property is fifty years or older, a report will be sent to the Oregon State Historic Preservation Offices (SHPO) for review. An OR SHPO Submittal Form and an OR SHPO Clearance Form will be submitted to the SHPO following the Go Digital Instructions. The project cannot be approved until the response from SHPO is received unless 30 days have passed since submittal.

## PROGRAMMATIC AGREEMENT

Projects that include scope of work items that are not considered an “exempt activity” under the Programmatic Agreement, will be reviewed pursuant to the process established therein prior to the Washington County Office of Community Development approving the commencement of any alterations on property otherwise eligible for assistance under minor housing rehabilitation programs. The Programmatic Agreement does not apply to projects that require Archaeological Review but does include all those projects that engage in ground disturbance activities.

## ARCHAEOLOGY

If a property involves ground disturbance, a letter will be sent to the SHPO State Archaeologist, State of Oregon Liaison to Oregon Tribes, Cultural Protection Coordinator, Confederated Tribes of Grand Ronde, Cultural Resources Director Confederated Tribes of Siletz Indians, and Cultural Resources Confederated Tribes of the Warm Springs Reservation of Oregon. Per HUD regulations this section does not apply to maintenance level activities that utilize existing trenches or excavations.

## LEAD-BASED PAINT

HUD issued regulations protect young children from lead-based paint hazards in homes that receive financial assistance from the federal government. The regulations establish requirements for testing of all painted surfaces, interim controls, and abatement of lead-based paint hazards in housing built before 1978, when lead paint was banned for consumer use.

Any property constructed before 1978 shall comply with the Residential Lead-Based Hazard Reduction Act of 1992 and EPA's Lead Renovation, Repair and Painting Program.

It shall be the policy of the Office of Community Development Housing Rehabilitation Program that a visual inspection is performed on all dwelling units, and if warranted, dwelling may be XRF tested, or paint chip samples taken for laboratory testing for the presence of lead-based paint.

Each applicant applying for the Housing Rehabilitation Program shall receive a copy of the EPA booklet 740-F-08-002 titled "Renovate Right" and sign the Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards.

For any project involving lead-based paint, the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist must have the contractors/subcontractors RRP training Certificate on file before contract will be awarded.

At the completion of the Housing Rehabilitation project, clearance testing will be required. Sampling will be performed by certified lead inspector with a third-party laboratory providing analysis.

Some work projects may be accomplished without a lead-based paint inspection when it is determined by the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist that the work will not disturb more than 2 sq ft within a single room or more than 10% of a single lead-based painted component. Examples include, but are not limited to, electrical repair, plumbing repair, roofing, or some heating work.

If a clearance test is required, the first dust wipes, and/or soils test will be paid by the Housing Rehabilitation Program. If this testing fails, the contractor will be responsible for all additional cleanup work necessary and will pay for further testing until the project will pass. A 5% retainage of the original bid amount will be held until final clearance is given.

At the homeowner's request, a copy of the laboratory results will be provided within ten (10) business days of the report being received by the Housing Rehabilitation staff.

Friction or impact areas containing high levels of lead-based paint may be removed, replaced, or if feasible, may be enclosed or encapsulated. All construction materials are required to be removed from the property. In the event the project calls for removal of lead-based paint materials, the charge for the removal will not be applied toward the allowable grant/loan amount for the Rehabilitation Housing Program.

If a lead-based paint inspection has been performed and the homeowner(s) alters, modifies, and/or removes, or has someone else alter, modify, and/or remove any material previously identified as containing high levels of lead-based paint from the home prior to the start of the Housing Rehabilitation project, the homeowner may be financially responsible for a lead-based paint clearance inspection and cleaning if required.

Only after the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist receives a satisfactory (passing) report from the laboratory will the 5% retainage be processed for the next payment cycle to the contractor.

The Office of Community Development will have staff or will hire a third-party certified lead-based paint inspector to perform the clearance inspection (collection of dust wipes from applicable work areas). The samples will be sent to an accredited laboratory for analysis for any interior work performed, such as replacing entry doors, and/or windows. A soil analysis from the exterior may also be required.

Building Home-March 2008 Lead hazard reduction costs are not counted as hard costs for the purposes of determining the level of assistance Under 24 CFR Part 35 (Lead Safe Housing Rule).

## HUD DEFINITION—FLOODPLAINS/FLOODWAY

**100-Year Floodplains (or 1 Percent Annual Chance Floodplains)** are areas near lakes, rivers, streams, or other bodies of water with at least a 1% chance of flood occurrence in any given year. HUD projects within a 100-Year Floodplain must complete the [8-Step Decision-making Process](#) to determine whether there are practicable alternatives to locating the project in the floodplain, unless an exception in section 55.12 applies.

**A Regulatory Floodway** comprises the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This is the segment of the floodplain that will generally carry flow of flood waters during a flood and is typically the area of greatest risk to structures in the floodplain. HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity.

After it has been determined the applicant is eligible for the Housing Rehabilitation Program, the Housing Rehabilitation Coordinator or the Housing Rehabilitation Specialist will perform an inspection of the property to determine if the property is located within a floodway therefore impacting eligibility for participation.

Where questions of eligibility arise based on extenuating circumstances, the applicant may be referred to the Program Manager, who will advise on the eligibility status in accordance with the applicable policy, rules, and regulations.

## ELIGIBLE REPAIRS

Housing rehabilitation assistance may only be provided to cover the cost of rehabilitation necessary to bring the property into compliance with locally adopted and applicable federal, state, city, county codes and regulations. The scope of work will be prioritized based on life, health, and safety.

Landscaping (including removal of weeds, junk, debris, and garbage) is not eligible unless required under a local ordinance or the resident is facing disciplinary action from a Homeowners Association or Manufactured Home Park.

Drainage to remove stagnant water next to a foundation may be considered eligible.

The removal of dilapidated structures not attached to the living space is not eligible unless such structure directly affects the living space or prevents usage of a primary walkway.

Built in appliances such as garbage disposals, dishwashers, stoves, and ovens may be replaced if they are broken. Free standing appliances such as washers and dryers are not eligible for replacement with Housing Rehabilitation Program funds. A refrigerator may be replaced by a refrigerator of the same size and style.

Allowable rehabilitation work includes, but it not limited to:

- Electrical wiring, fixtures, or system
- Heating, venting
- Roofs, porches, walls, and structural load bearing walls
- Foundations
- Health and safety items
- Removal and replacement of decks and porches as long as the deck or porch provides direct access or egress, (entry/exit) to the home or have been cited for a code violation.
- Items necessary to correct miscellaneous code violations
- Widening of doors for accessibility
- Installation of ramps
- Walk-in/roll-in showers
- Grab bars
- Hearing-impaired smoke detectors

- Specialty plumbing fixtures
- Lowering of light switches
- Other permanent fixtures that may be necessary for accessibility
- Unsafe fireplaces or woodstoves—applicant may qualify for Wood Stove Exchange Program
- Removal of unused fireplaces or woodstoves to stop draft from openings
- Weather stripping/caulking
- Insulation
- Windows
- Doors
- Interior paint
- Exterior paint
- Siding
- Flooring
- Garbage disposal if leaking
- Tree removal if code violation, causing damage to home or plumbing system
- Plumbing
- Plumbing fixtures if in disrepair and leaking
- Electrical panel
- Wiring if causing a hazard.
- Light fixtures that are a hazard
- Exterior water lines from street connection to home
- Exterior sewer lines from street connection to home
- Exterior water and sewer connections and lines on the exterior of home
- Well or septic repair
- Septic dumping
- Fencing—can only be installed if a property has a code violation either by Code Enforcement or a Homeowners Association
- Deck—a deck can be installed to address access or egress (entry/exit) issues at the property, size will be determined on a case-by-case basis.
- Demo work—includes work associated with Lead Based Paint and Code Violations
- Ceiling repair
- Work not included on this list will be reviewed on a case-by-case basis and may or may not be approved by Housing Rehabilitation Staff
- Hard wired A/C units in manufactured/mobile homes. - Units shall be installed through a wall, be hard wired and become part of the unit.

## EMERGENCY REPAIRS

The following conditions will be given priority over other types of improvements:

1. No water due to faulty plumbing
2. Sewer leak that affects the sewer system or septic system, raw sewage on the ground, or a broken sewer pipe. This is limited to exterior of the home, a clogged sink, toilet, or bathtub is not an emergency. If sewage is backing up into a bathtub or sink fixture, that would also qualify for emergency repair.
3. Faulty or dangerous electrical system that may cause a fire or loss of electric to the structure, non-operable breaker box, downed line from street to home, or damaged weather heads.
4. Mechanical to include no heat in winter.
5. Roof—leaking roof that affects the electrical integrity of the home (Potential Fire Hazard). A temporary fix (tarping) or partial replacement of shingles affecting the area of the leak. A full roof replacement may not be done on an emergency basis.
6. Property Management or Jurisdictional notice that would cause an applicant to be evicted.

Applicants with a documented medical need will be given priority over other applicants. A project of medical necessity requires a statement from the homeowner's doctor specifying the specifics of the emergency repair necessary.

After the initial site visit by the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist, a scope of work will be written, and a Bid Request will be sent to three to five contractors and will be due by the date specified on the Bid Request. However, if three bids have not been received by the specified date, a selection will be made from available Bid Request. Appropriate procedures will be used for completing the emergency rehabilitation in an expeditious manner.

## MANUFACTURED/MOBILE HOMES

Manufactured/Mobile Homes—Owner-occupied manufactured/mobile homes must be attached to a permanent utility hook-up, have a foundation, be on a gravel or concrete slab, be on pier post/block and be located on land that is owned by the owner or located within a manufactured/mobile home park where a fee is collected to house the manufactured/mobile home to be eligible for the Housing Rehabilitation Program. Travel trailers or any recreational vehicles used as a residence are not eligible for repairs under the Housing Rehabilitation Program.

Owners who own land and have a manufactured or mobile home may apply for a DIBL. The owner must have sufficient equity in the property to cover the loan.

Manufactured homes/mobile homes that are owned and are occupied by renters may be eligible for the HARDE to address accessibility only. A Rental/Owner Agreement would need to be completed prior to any accessibility improvements.

## RENTAL AGREEMENT

Properties that are owned and are occupied by renters may be eligible for a HARDE to address accessibility only. A rental agreement will have to be submitted. The agreement must state the owner of the property, amount of rent, the renter and the length of the rental agreement. This can be an official agreement or a handwritten agreement between the owner and renter and must state the above-mentioned information.

## HOMEOWNER CONTRIBUTION

Once a property has been inspected and the scope of work has been approved, a homeowner cannot offer to or contribute to perform any of the work listed in the scope of work. Contractors will be responsible for completing all project work in the scope of work under the contract. In the event the estimated amount is over the grant amount, the homeowner, if able, can pay the difference as long as no additional work is added to the original scope of work or has been added by a change order.

## DIBL LOAN PROCESSING

When an applicant has met the criteria for the loan program, (income, property, mortgage, and insurance requirements), a Title Report and Credit Report will be ordered for each applicant on title and the charges for the title and credit report will be a charge to the loan.

## DIBL FIRE and FLOOD INSURANCE

The applicant must maintain fire insurance on the property for the duration of the loan(s). The insurance must be an amount adequate to cover all encumbrances on the property. The insurance must identify the County as Loss Payee for the loan(s). An insurance binder shall be provided to the County.

The applicant shall maintain flood insurance in areas designated by HUD as flood prone. The applicant is required to maintain flood insurance in an amount adequate to secure the DIBL loan for the duration of the loan. The policy must designate the County as Loss Payee.

Applicants shall provide a continued Certificate of Insurance to the County annually to show continued coverage of the property.

## DIBL LOAN REVIEW and APPROVAL

The Housing Rehabilitation Coordinator will complete a Loan Summary and submit it to the Program Manager for approval. The following documentation will be sent to the Program Manager:

1. Loan Summary
2. Photos of the Property

Upon approval of the loan, the Housing Rehabilitation Coordinator will schedule a conference with the homeowner(s). At that time, all legal documentation will be reviewed and given to the homeowner to read prior to the closing.

A Deed of Trust will be recorded in the property records of Washington County prior to any rehabilitation work starting to ensure the amount of the loan is correct on the Trust Deed and Promissory Note and to avoid doing multiple loan modifications. Once the project has been completed the Housing Rehabilitation Coordinator will update the amount of funds loaned for the rehabilitation work on the Promissory Note and include the recording information from the Trust Deed.

## DIBL CONTINUED OCCUPANCY

The property must be occupied as the applicant's principal residence for the duration of the loan. It is the responsibility of the applicant to inform Housing Rehabilitation staff if mortgages on the property are going to be in arrears, foreclosure, or default. If an applicant is going to vacate the property, they must notify Housing Rehabilitation staff of their intentions and the loan will become due and payable.

## DIBL LOAN PAYMENTS

Payments can be mailed or delivered to the Office of Community Development. Once received, the Administrative Specialist completes the deposit slips, makes bank deposits, and enters the information into program software. Checks that have been received to pay off a loan will be scanned to the Housing Rehabilitation Coordinator to be recorded in the program software as paid.

## DIBL PAYOFF REQUEST

When a payoff request is received by phone, email, fax or mail, a payoff request form is sent to the requester. Once a payment is received, the Housing Rehabilitation Coordinator is responsible for entering payoff amounts into the loan tracking software.

Three days after the final repayment check has been deposited the Housing Rehabilitation Coordinator will prepare the Reconveyance documents. Reconveyance documents must be sent to the homeowner or the Title Company within 30 days of payoff.

1. Appointment of Successor Trustee—this document is used if the County is not listed on the Trust Deed as the Trustee, or the name of the Trustee must be changed and is signed by the Assistant County Administrator or representative.
2. Deed of Reconveyance—this document is used if the County is listed as Trustee on the Trust Deed and is signed by County Counsel.

The Reconveyance Documents, together with the following documents will be emailed to County Counsel for approval and a hard copy will be delivered to County Counsel's office for signature.

1. Any Correspondence—emails, fax, mail, etc.
2. Payoff Request
3. Copy of the Check
4. Recorded Trust Deed
5. Promissory Note
6. Any other recorded documents

Once the executed documents have been received from County Counsel, the Housing Rehabilitation Coordinator will scan and save the documents to the electronic client file. Originals are sent to the homeowner unless the title company has instructed them to go to the Title Company.

## DIBL LOAN DEFAULT OR FORECLOSURE

The following shall constitute a condition of loan default:

1. Nonpayment
2. Lack of insurance or property tax payment
3. Change in title or use without approval
4. Default on senior loans or lien
5. Unit is no longer the principal residence of the homeowner

Upon any condition of default, the Lender will send a letter to the Borrower notifying the Borrower of the default condition. If the default condition continues, then the Lender may start a formal process of foreclosure in accordance with applicable law.

When a senior lien holder initiates a foreclosure process and the County is notified of the proceedings as a junior lien holder, the County may cancel the foreclosure proceedings by "reinstating" the senior lien holder(s). Housing Rehabilitation staff, based on information available, will determine if it is cost effective to secure the funds awarded by paying off the senior lien holder(s) in total and whether to begin additional proceedings remove the debtors from the home. The reinstatement amount or payoff amount to any senior lien holder(s) must be obtained by contacting the senior lien holder(s) and will include all delinquent payments, late charges, and fees to date.

## CONTRACTORS

All contractors who wish to bid on approved projects shall be:

1. Licensed with the Oregon Construction Contractors Board
2. Bonded and insured
3. A registered vendor with Washington County
4. Trained lead-safe, licensed or certified and follow specific lead-safe work practices as required by federal law and the *Renovation, Repair and Painting Rule* for all renovation, repair and painting work in pre-1978 homes or child-occupied facilities
5. Licensed for lead-based paint renovation for pre-1978 homes as required by Oregon law. Information may be found by calling 971.673.0440 or email [leadprogram@state.or.us](mailto:leadprogram@state.or.us)
6. In compliance with the Housing Rehabilitation Program's general conditions, bid instructions or contractor application and have no unresolved complaints with the Oregon Construction Contractors Board
7. Able provide a one-year warranty on all work performed through the Housing Rehabilitation Program, as set forth by the Oregon Construction Contractors Board

The homeowner is responsible to contact the contractor for any warranty-related problems. If the homeowner does not feel that the contractor has lived up to warranty obligations, the homeowner may appeal to the Oregon Construction Contractors Board and not to the County or Housing Rehabilitation Program. Change order(s), must be executed for any and all modifications, made to the original job specifications approved with the construction contract. A change order must be signed by the contractor and homeowner and must be approved in writing by the Housing Rehabilitation Coordinator or Housing Rehabilitation Specialist before change work can begin. Change orders will not be authorized for additional work desired by the applicant, unless it is to include emergency work which is necessary to prevent further property damage. Only under unusual circumstances will change orders be allowed with the approval of the Housing Rehabilitation Coordinator or the Housing Rehabilitation Specialist. Total requests shall not exceed 10% of the total contract amount during the course of the Project. If change orders are necessary, the grant or loan amount will be increased to the new contract total. Work performed without an approved change order will not be paid for by the Housing Rehabilitation Program and the work will not be covered under the contractor's warranty.

Housing rehabilitation projects are to be completed in a timely manner. Projects from \$0-\$10,000 shall be completed within 30-days from the date the construction contract is signed, weather and materials permitting. Projects from \$10,001-\$25,000 shall be completed within 60-days from the date the construction contract is signed. If an extension of time is required, the contractor shall inform the Housing Rehabilitation staff in writing stating the reason for the extension and noting the new completion date. Housing rehabilitation staff will approve or deny the extension of time request and any approved extension shall be memorialized in a fully executed change order stating the new completion date.

HARDE Projects that have unforeseen repairs that require repair may not exceed 10% of the total grant amount through a change order. The Housing Rehabilitation staff will determine if the work is eligible.

## NOTICE TO PROCEED

Contractors must receive a Notice to Proceed prior to any work being started on a project from Housing Rehabilitation staff. If a contractor starts a project without a Notice to Proceed, the contractor may not be paid for the work started or completed prior to the Notice to Proceed. The Notice to Proceed will state the purchase order number that is assigned to the project.

## CONTRACTOR PAYMENTS

Invoices for payments must be submitted to the Office of Community Development when a project is complete. For construction contract over \$6,000, progress payment for up to 50% of the project cost may be requested when the project is 60% complete. Approval of a progress payment request will be made at the sole discretion of Housing Rehabilitation staff.

## CONTRACTOR AND/OR HOMEOWNER DISPUTE

Notwithstanding normal permitting and inspection, neither the County nor the Office of Community Development, Housing Rehabilitation Program will assume any responsibility or liability for construction of the project. Rehabilitation of any unit and conformance with all applicable local, state, and federal codes and requirements is the sole responsibility of the contractor.

In the event a contractor is unable to complete a project, the Housing Rehabilitation Program will assist in providing assistance necessary to ensure completion of the project by requesting new bids for the uncompleted work. Any funds owed to the original contractor will not be paid until all work has been completed and the amount of any additional work performed due to incomplete work will be deducted from the amount owed the original contractor. The new bids for remaining work cannot exceed the amount remaining in the grant.

Should a grant or loan recipient discharge the contractor under contract to do the project, the Housing Rehabilitation staff will solicit bids to have the project completed. The previous contractor will be paid for the work they have been completed up to the time of termination. The grant or loan recipient will allow the previous contractor to come and claim any tools or unused materials left on site, unless the grant or loan recipient wishes to pay fair market value for any items left behind. The grant or loan recipient will not willfully damage or destroy materials or tools owned by the contractor who has been

discharged, such action is grounds to withdraw any and all assistance in the Housing Rehabilitation Program offered by Washington County and notice of such action will be sent to partnering agencies as well.

Should a grant or loan recipient delay an approved project, without good cause, for more than seven days, the Housing Rehabilitation Program retains the right to terminate the project and pay the contractor for completed work. In this event, if a homeowner is not willing to sign a Completion Certificate, Housing Rehabilitation staff will note the file, inspect the work that was completed, and have the contractor sign and submit for payment.

## RIGHT OF APPEAL

An applicant may appeal the denial of a loan or grant application. Such an appeal will be reviewed by the Program Manager. The Program Manager may affirm or deny an appeal. If contested by the applicant, the Program Manager's decision may be appealed to the Policy Advisory Board (PAB). The PAB will make a final determination and no further appeals will be allowed. The PAB may appoint an appeal subcommittee to perform this final review.

## EQUAL OPPORTUNITY

Washington County Office of Community Development is committed to a policy of equal opportunity and does not discriminate in the terms, conditions, or privileges of employment on account of race, color, religion, national origin, sex, disability, or familial status, or otherwise as may be prohibited by federal and state law.

Any employee, board member, volunteer or client who believes that they or any other affiliate of Washington County Office of Community Development has been discriminated against is strongly encouraged to report this concern promptly to the Housing Rehabilitation Coordinator (or as listed below).

### **Objective**

To establish a policy and procedure to ensure that Housing Rehabilitation Program recipients, potential clients, contractors, sub-contractor, vendors or any other individual directly related to the goals of the Housing Rehabilitation program is free of discrimination, harassment, sexual assault, or retaliation and to define procedures for reporting and investigating complaints.

### **Procedures**

Washington County Housing Rehabilitation staff, manager and supervisors are expected to create and maintain a work environment for recipients, potential clients, contractor, sub-contractor, and any other individual directly related to the Housing Rehabilitation program that is fair, civil, positive, respectful of each person's dignity, and free of all forms of discrimination, harassment, sexual assault, and retaliation.

The following are examples of preventative measures:

1. Inform recipients, potential clients, contractors, vendors or any other individual directly related to the goals of the Housing Rehabilitation program that discrimination, harassment, sexual assault, or retaliation is not tolerated and that any violation of the policy will result in corrective or other action which include, but not limited to, recipients, potential clients, contractors, sub-contractor, vendors or any other individual directly related to a project being removed and not allowed to participate in the program.
2. Housing Rehabilitation recipients, potential clients, contractors, vendors or any other individual directly related to the goals of the Housing Rehabilitation program will inform Housing Rehabilitation staff that an incident has occurred.
3. Housing Rehabilitation staff will communicate and demonstrate the importance of being respectful in all aspects of the program.
4. Housing Rehabilitation staff will immediately address any complaints.

### **Reporting and Response Procedures**

Any recipients, potential clients, contractors, vendors or any other individual directly related to the goals of the Housing Rehabilitation program who believes they are a victim of discrimination, harassment, sexual assault, or retaliation should immediately contact one of the following:

1. Housing Rehabilitation Coordinator  
Office of Community Development  
503-846-8814
2. Program Manager  
Office of Community Development  
503-846-8814
3. Chief Equity and Inclusion Officer  
Washington County Administrative Office  
503-846-8804

### **CONFLICT OF INTEREST**

Washington County Office of Community Development Housing Rehabilitation staff will not engage in relationships during the course of carrying out the housing rehabilitation program that will create a conflict of interest as described in the policies that can be found in the following links:

Washington County Personal Rules and Regulations -[download washingtoncountyor.gov](https://www.washingtoncountyor.gov)  
HUD—<https://www.hudexchange.info/resource/3689/24-cfr-part-570-cdbg/>