
Mississippi Home Corporation Community Housing Development Organization (CHDO) Certification



MISSISSIPPI HOME CORPORATION

**Program Guidelines & Application
2023**

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REQUIREMENTS FOR CHDO CERTIFICATION

I. CHDO QUALIFYING CRITERIA

A CHDO is a Community Housing Development Organization. CHDOs must meet certain requirements pertaining to their:

1. Legal status
2. Organizational structure
3. Capacity and Experience

II. LEGAL STATUS

1. **Organized Under State/Local Law.** A CHDO must show evidence to MHC either in its charter or articles of incorporation, that it is organized under state or local law.
2. **Non-Profit Status.** A tax exemption ruling from the Internal Revenue Service as **evidenced** by a 501(c) (3) or (c) (4) Certificate from the IRS.
3. **Purpose of Organization.** The CHDO's primary purpose must be the provision of decent housing that is affordable to low-income households. This must be evidenced by a statement in the CHDO's charter, articles of incorporation, by-laws, or resolutions.
4. **No individual benefit.** No part of a CHDO's net earnings may benefit any member, founder, contributor, or individual.
5. **Clearly defined service area:** A CHDO should have a clearly defined geographic service area.
 - a. CHDOs do not need to represent a single neighborhood.
 - b. For urban areas, a CHDO may include in its service area a neighborhood or neighborhoods, city, county, or metropolitan area.
 - c. For rural areas, a CHDO may include in its service area a neighborhood or neighborhoods, town, village, county, or multi-county area (but not the entire State).
 - d. Nonprofits serving special populations must also define the geographic boundaries of their service areas to qualify as CHDOs.

III. ORGANIZATIONAL STRUCTURE

BOARD COMPOSITION REQUIREMENTS FOR CHDO CERTIFICATION

There are three specific requirements related to the CHDO's board, which must be evidenced in the CHDO's by-laws, charter, or articles of incorporation.

The CHDO board must be composed as follows:

1. At least one-third must be representatives of the low-income community.
2. No more than one-third must be public officials or employees.
3. The remaining board balance is unrestricted.

BOARD COMPOSITION

1. **Low Income Representation.** As noted above, at least one-third of the CHDO's board membership must be representatives of the low-income community. There are three (3) ways to meet this requirement:
 - a. **Residents of low-income neighborhoods in the community.**
 - (1) Low-income neighborhoods are defined as neighborhoods where 51% or more of the residents are low-income.
 - (2) Residents of low-income neighborhoods on CHDO boards do not have to be low-income themselves.
and/or
 - b. **Low-income residents of the community.**
 - (1) Low-income residents of low-income neighborhoods in the community do **not need to submit proof of their income.**
 - (2) If low-income residents of the community who do not live in low-income neighborhoods are necessary to meet this threshold, the CHDO must obtain a certification from the resident that the resident does qualify as low-income.
and/or
 - c. **Elected representatives of low-income neighborhood organizations.**
 - (1) A low-income neighborhood organization is an organization composed of residents of a low-income neighborhood.

- (2) Block groups, town watch organizations, civic associations, neighborhood church groups and NeighborWorks® organizations can be examples of low-income neighborhood organizations.
- (3) The primary purpose of the organization must be to serve the interest of the neighborhood residents.
- (4) The governing body of the low-income neighborhood organization may elect the representative(s) to serve on the CHDO board.

2. **Public Sector Limitations.** A maximum of one-third of the governing board may consist of representatives of the public sector. Examples include:

- a. **Elected Officials.** Council members, aldermen, commissioners, state legislators, members of a school board, etc.
 - b. **Appointed Public Officials.** Members of a planning or zoning commission, or of any other regulatory and/or advisory boards or commissions that are appointed by a state official.
 - c. **Public Employees.** All employees of public agencies (including the schools) or departments of the PJ's government (e.g., a clerk in the water and sewer department, a public facility janitor or a secretary in the tax assessment office);
 - d. **Appointed by a State Official.** Any individual who is not necessarily a public official, but who has been appointed by a state official (as described above) to serve on the CHDO board.
- (1) Members of the board appointed by public officials cannot select other members of the board.
- e. Public officials and/or appointees who themselves are either low-income community residents or residents of a low-income neighborhood count against the one-third maximum limit of public sector representatives. However, they do not count toward the one-third minimum requirement of community representatives.

- (1) **Example:** ACME Helping Hands, Inc. wants to qualify as a CHDO. The organization fulfills every other requirement and is now at the point of reviewing its board composition for compliance with CHDO requirements. ACME currently has 12 board members of which six reside in low-income neighborhoods within their service area of ACME county. Included in the six are: an alderwoman, a member of the school board, a neighborhood resident appointed by the mayor to serve on the city's planning and zoning commission. The remaining six members are neither low-income nor public officials/appointees. The current ACME board does not exceed the one-third maximum limit on public-sector representatives, since only three out of the 12 members are public officials/appointees. However, the three public

officials/appointees, even though they live in a low-income neighborhood, cannot count toward the minimum one-third community representative requirement for low-income. ACME's board does not currently meet the board composition threshold requirement.

3. **Remaining Board Structure.** The balance is unrestricted and may include people such as human and social service providers, lenders, individuals with access to philanthropic resources, or others willing to contribute their professional expertise.
4. **For Profit Limitations.** If a CHDO is sponsored or created by a for-profit entity, the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not appoint the remaining two-thirds of the board members.
5. **Board Stability.** There should be stability/continuity of board members over the last several years.
6. **Development Oversight.** The Board must have a committee structure or other means of overseeing planning and development.
7. **Board Skills.** The Board members must have professional skills directly relevant to housing development. For example, real estate, legal, architectural, planning, construction, finance, and management experience are all professional skills that are relevant to housing development.
8. **Decision-Making.** The Board should demonstrate the ability to make timely decisions using an appropriate process.
9. **Board-Staff Relations.** There should be a good relationship between board members and staff.

IV. SPONSORSHIP/INDEPENDENCE REQUIREMENTS FOR CHDO CERTIFICATION

1. **Control.** The **CHDO** is not controlled, nor receives directions from individuals or entities seeking profit from the CHDO, as evidenced by the CHDO's by-laws or a Memorandum of Understanding.
2. **Creation or Sponsorship by a For-Profit Entity.** When a for-profit entity sponsors or creates a CHDO, the CHDO must retain complete independence from the for-profit entity. The for-profit's primary purpose may not be the development or management of housing, as evidenced in the for-profit organization's by-laws.

- a. The CHDO must be free to contract goods and services from any vendor of its choosing.
 - b. The for-profit entity may not appoint more than 1/3 of the prospective CHDO's board. These members may not appoint the remaining two-thirds of the board members.
 - c. The officers or employees of the for-profit entity would be prohibited from serving as officers or employees of the CHDO. The nonprofit entity would also be prohibited from using the office space of the for-profit entity.
3. **Sponsorship by a Religious Organization.** If sponsored by a religious organization, the CHDO is a separate secular entity from the religious organization, with membership available to all persons, regardless of religion or membership criteria, as evidenced by its by-laws, charter, or articles of incorporation.

V. CAPACITY AND EXPERIENCE

1. **CHDO Experience.** CHDO staff must have relevant experience to undertake the proposed project. The necessary experience and capacity will vary, depending on the type of project the CHDO is undertaking and the role in which the CHDO will serve.

To determine if a CHDO has paid staff that have the expertise and experience to carry out the proposed project in the role the CHDO will serve, resumes as well as the organization's track record will be reviewed. Documentation of past projects, including but not limited to data on beneficiaries, architectural drawings, building inspection certification, is also required.

Example: If a CHDO proposes to acquire standard rental housing and manage it as affordable housing, staff will need to have property management experience and or experience in managing HOME assisted housing or other affordable housing.

2. **CHDO capacity:** CHDOs must demonstrate the capacity of their key staff to carry out the HOME-assisted activities they are planning. This means that CHDOs must have:
 - a. CHDOs are required to have paid staff with experience relevant to the specific role they will undertake.

- (1) A paid employee could be a permanent employee subject to a W-2 or could be a contracted employee subject to an employment contract. The employee or employees can be full or part-time, as long as they have sufficient time available to fulfill their role of overseeing the project.
 - (2) Employees must be paid by the CHDO.
 - b. CHDO Capacity cannot be:
 - (1) Municipal, county, or state employees
 - (2) Officers or employees of a for-profit sponsoring entity
 - (3) Employees of another non-profit organization
 - (4) Consultants (paid or volunteer) not planning to train the CHDO's key staff.
 - c. Organizations that are qualifying as a CHDO for the first time may contract with a consultant and be counted if the consultant is training the paid CHDO staff to be able to perform the function in future projects. There should be a plan in place for the consultant to train key staff.
3. **Financial Accountability.** Organizations will be required to submit a statement that confirms the CHDO will comply with standards that conform to 2 CFR 200.302 and 2 CFR 200.303. This statement must be on the CHDO's letterhead. **(Example attached page 37).**
- a. 2 CFR 200.302 Financial Management.
 Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also [§ 200.450](#).
- The financial management system of each non-Federal entity must provide for the following (see also [§§ 200.334](#), [200.335](#), [200.336](#), and [200.337](#)):
- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in [§§ 200.328](#) and [200.329](#). If a federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports based on an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports based on an analysis of the documentation on hand.
- (3) Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to Federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See [§ 200.303](#).
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to implement the requirements of [§ 200.305](#).
- (7) Written procedures for determining the allowability of costs in accordance with [subpart E of this part](#) and the terms and conditions of the Federal award.

b. 2 CFR 200.303 Internal Controls. Non-Federal entity must:

- (1) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (2) Comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (3) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.

- (4) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (5) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

VI. RELATIONSHIP/SERVICE TO THE COMMUNITY REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body or the CHDO is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

1. **History of Serving the Community in a Similar Capacity.** The CHDO must have a history of serving the community in which the HOME project will be located. The CHDO must have one year of experience serving the low-income community.

Service to the community is not limited to the housing activities specified for CHDO funding. It can be a service to the community, such as: job training, tax preparation, food pantries, housing counseling, Head Start, or other service or advocacy programs that work directly with low-income residents of a CHDO's service area. Documentation must be provided outlining community service history.

2. **Low Income Input.** The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development, and management of affordable housing. The process must be described **in writing** and must be documented in the CHDO's by-laws, resolutions, or a written statement of operating procedures approved by the governing body.

Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept and site selection to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the potential low-income program beneficiaries in all aspects of the project will be required for HOME project funding.

Board meeting minutes should document the input gathered from the community to show that the board considered the input while making decisions related to CHDO projects.

3. **Clearly Defined Service Area.** The CHDO must have a clearly defined geographic service area, which can be described and documented. CHDOs may serve individual neighborhoods or large areas. However, while CHDOs may include the entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
4. **Needs.** Current plans should be well grounded in an understanding of current housing conditions; housing needs and the need for supportive services. The CHDO should have an analysis of the local housing market and the housing needs of low-income households.
5. **Community Relations.** The CHDO should have a good reputation and a positive relationship with the community it services.
6. **Local Government Relations.** The CHDO should have a positive relationship with the local government(s) of the community(s) that it serves. The CHDO must be separate from and not under the control of a government entity, in keeping with the statutory requirement that a CHDO maintain accountability to the low-income community it serves through its governing board make-up and otherwise.

VII. CHDO SET-ASIDE ROLES: OWNER, DEVELOPER AND SPONSOR

CHDO set-aside funds may be used by CHDOs for those HOME activities where the CHDO acts as the developer, sponsor and/or owner of the housing. There are three roles a CHDO can serve when utilizing HOME set-aside funds:

- Owner
- Developer
- Sponsor

To qualify for the set-aside funds, the CHDO must have effective project control (decision making authority).

1. **CHDO as an Owner:** The “Owner” role requires the CHDO to be the sole and exclusive owner of the housing during development and the period of affordability.
 - a. Ownership must be fee simple or via a long-term ground lease (99-year minimum).
 - (1) CHDO is permitted to acquire property that is in standard condition and meets property standards in 24 DFR 92.251.
 - (2) CHDO cannot be an owner in partnership with another entity.
 - b. The CHDO is required to oversee all aspects of the development process.

- (1) CHDO can be a rental project owner without also having to be the developer.
 - (2) The CHDO may hire a project manager to oversee all aspects of the development, including:
 - (a) Obtaining zoning
 - (b) Securing non-HOME financing
 - (c) Selecting a developer or general contractor
 - (d) Overseeing the progress of the work
 - (e) Determining the reasonableness of costs
 - (3) If the project requires development, the CHDO may hire and oversee a developer that rehabilitates or constructs the housing.
 - (4) The CHDO may contract for property management services.
2. **CHDO as Developer:** The key distinction between the owner and developer role is who is responsible for the “development” of the project. To be a “developer” the CHDO must be the owner and developer of the project receiving set-aside funds.
 - a. The CHDO must be the sole owner of the property either in fee simple or via a ground lease both during the development and for the affordability period.
 - b. The CHDO itself owns and develops the housing.
 - (1) The CHDO is in sole charge of all aspects of the development process, including obtaining zoning; securing non-HOME financing; selecting architects, engineers, and general contractors; overseeing progress; and determining the reasonableness of costs.
 - c. The CHDO cannot develop HOME-assisted units owned by another non-profit or for-profit entity. If a CHDO wants to partner with another entity, the CHDO must act in the project sponsor role.
3. **CHDO as a Developer of Homebuying Housing:**
 - a. CHDO must be the owner (in fee simple absolute title) and the developer of new housing to be constructed.
 - b. CHDOs must arrange financing of the project and be in sole charge of the construction.

- c. The CHDO must transfer title of the property and HOME obligations to eligible homebuyers within a specified timeframe of project completion.
- 4. **CHDO as Sponsor – Affiliate:** Under this role, a CHDO itself does not directly own and develop the property but rather does so through an eligible affiliate of the CHDO that will act as either the owner or developer of the rental housing.
 - a. There are three types of eligible CHDO affiliate sponsorships. The rental housing must be owned or developed by:
 - (1) A wholly owned subsidiary of the CHDO, which may be a for-profit or non-profit organization.
 - (2) Limited Partnership (LP) of which the CHDO or its wholly owned subsidiary is the sole general partner.
 - (3) Limited Liability Company (LLC) of which the CHDO or its wholly owned subsidiary is the sole managing member.
 - b. If the limited partnership or LLC agreement permits the CHDO to be removed as a general partner or sole managing member, the agreement must provide that the removal be for cause and that the CHDO is replaced with another CHDO.
 - c. HOME set-aside funds must be provided directly to the owner of the project. This is typically the subsidiary or partnership entity.
 - d. When a CHDO is involved in a Low-Income Housing Tax Credit (LIHTC) project, it serves as a sponsor.
 - (1) For projects involving tax credits, the CHDO is a member of an ownership organization rather than the sole owner, as required for the owner or developer role.
 - (a) For that reason, all LIHTC projects must utilize the sponsor role, in which the CHDO maintains control over the ownership entity to be eligible to receive HOME funding
 - (b) It is permissible under the “sponsor CHDO affiliate” role to develop a project with set-aside funds when the actual ownership is through an entity that also has investor participation such as low-income Housing Tax Credit projects.
 - (i) A rental project can be owned by a limited partnership in which a CHDO, or a wholly owned subsidiary of the CHDO is the sole general partner or by a limited liability company in which a CHDO

or a wholly owned subsidiary of the CHDO is the sole managing member.

- e. **Example 1:** A CHDO has been asked to partner with a for-profit developer to develop a rental project under the LIHTC nonprofit set-aside where the for-profit and the CHDO will jointly own the general partner entity. Is this project eligible for the CHDO set-aside?

(1) No, the project is not eligible for CHDO set-aside funding. To qualify as a CHDO sponsored project, the CHDO or its wholly owned subsidiary must be the sole general partner of a limited partnership. In this scenario, the CHDO does not wholly and exclusively own the general partner entity.

- f. **Example 2:** ACME Helping Hands is a qualified CHDO. They have undertaken several rental housing projects, typically in the role of developer. Two years ago, they decided to undertake a Low-Income Housing Tax Credit (LIHTC) project. They created a limited partnership with the equity investor. ACME was named as the sole general partner. The partnership agreement clearly spelled out ACME's role and decision-making authority.

Prior to making a funding commitment, our PJ reviewed this agreement to ensure that we were solely responsible for the project. The PJ also confirmed that our agreement clearly stated that if we were removed as the general partner, the limited partnership would be required to replace ACME Helping Hands (CHDO) with another eligible CHDO.

1. **CHDO as Sponsor – Turnkey:** Turnkey is when one CHDO develops rental housing with the intent to convey the property to another pre-identified nonprofit organization at the predetermined time after completion of construction or rehabilitation to operate the housing for the period of affordability.

- a. In this form of sponsorship, a CHDO must be the sole owner in a fee simple absolute or have a long-term ground lease during development and in charge of all aspects of the development process.

(1) The CHDO must select the private nonprofit that will obtain ownership of the property.

(2) The private nonprofit may not have been created by a governmental entity.

(3) The private nonprofit assumes all obligations for compliance with HOME and other project requirements (including repayment of the loans) at a specified time after project completion for the period of affordability.

- (4) Following completion, if the property transfer does not occur, the CHDO remains responsible for the project and maintains ownership for the affordability period.
- b. **Example:** ACME Helping Hands enters into a legally binding agreement with Elder Care, an existing nonprofit organization experienced in providing enhanced housing services for the elderly. The CHDO agrees to purchase and rehabilitate a vacant 50-unit property and convey the property to Elder Care upon completion of the construction phase.

Elder Care will assume responsibility for the long-term management of the project, and for the fulfillment of all obligations and requirements associated with the use of the HOME funds.

VIII. OPERATING EXPENSES

1. **General Operating Assistance:** Up to five percent of a PJ's HOME allocation may be used to provide general operating assistance to CHDOs that are receiving set-aside funds for an activity (or activities) or are under a written agreement to receive set-aside funds within 24 months of the date of the agreement. Operating expenses are not an eligible cost for CHDO set-aside funds.
2. **Limitations:** Assistance for operating expenses in each fiscal year may not exceed \$50,000, or 50% of the CHDO's total annual operating expenses for that year, whichever is greater.

IX. FINANCIAL MANAGEMENT AND CAPACITY REQUIREMENTS FOR CHDO CERTIFICATION

1. **Conformance to Accountability Standards.** The CHDO must conform to the financial accountability standards of 2 CFR 200.302, "Standards for Financial Management Systems", as evidenced by a notarized statement by the board president or Chief Financial Officer (CFO) of the CHDO, or a certification from a Certified Public Accountant (CPA), or a HUD approved audit summary.
2. **No Individual Benefit.** No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the CHDO's charter or articles of incorporation.
3. **Audit.** Audit information will be reviewed. Provide the last three years of audited financial statements. If less than three years, provide interim financial statements including cash flow statements and general ledgers.

4. **Budgeting.** The CHDO must conduct annual budgeting of its operations and all activities and programs. It should track and report budget versus actual income and expenses. The CHDO must demonstrate sufficient capacity to track and manage federal funds using Generally Accepted Accounting Principles (GAAP) and use of annual budgeting.
5. **Reporting.** Financial reporting should be regular, current, and sufficient for the board to forecast and monitor the financial status of the corporation.
6. **Cash Flow Management.** The CHDO should know its current cash position and maintain control over its expenditures.
7. **Internal Controls.** The CHDO should have adequate internal controls to ensure separation of duties and safeguarding of corporate assets. There should be sufficient oversight of all financial activities. Employees that oversee the expenditure of funds should be bonded.
8. **Conflict of Interest.** The CHDO should have a conflict-of-interest policy governing board members, employees, and development activities, particularly in procurement of contract services and the award of housing units for occupancy.
9. **Insurance.** The CHDO should maintain adequate insurance, including liability, fidelity, bond workers compensation, property hazard and project. Regarding bonding provisions (**surety bond**), the CHDO shall obtain a minimum bonding of \$75,000 to protect the interest of the CHDO and any entity, which shall award funds unto the CHDO. If funded, the CHDO is required to increase the surety bond to the amount equal to the HOME funds granted for each principal.
10. **Financial Stability.** The current balance sheet and budget should indicate a sufficient, diversified, and stable funding base to support essential operations.
11. **Portfolio Financial Condition.** If the CHDO has a portfolio of properties, they should be in stable physical and financial condition.
12. **Liquidity.** Whether the CHDO has liquid assets available to cover current expenses shall be considered, as well as whether the CHDO has funds available for predevelopment expenses or equity investments required for development.

X. DEVELOPMENT CAPACITY REQUIREMENTS FOR CHDO

CERTIFICATION

1. **Capacity to Carry Out Activities.** The CHDO must have demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by resumes and/or statements that describe the experience of key staff that have successfully completed projects similar to those to be assisted with HOME funds.

MHC will not commit funds to a CHDO unless it has determined that the non-profit has paid staff with demonstrated housing development experience.

Non-profit organizations will no longer be able to meet the demonstrated capacity requirement using consultants and through a plan for staff to be trained by the consultants with the exception of having a hired consultant within their first year. In addition, the capacity requirement cannot be met through the use of volunteers.

2. **Portfolio.** The CHDO's portfolio of projects and properties should evidence competent management and oversight.
3. **Previous Performance.** The CHDO should have exhibited competence with any previous CHDO activities.
4. **Management Capacity.** The CHDO's management should have the capacity and ability to manage additional development activities.
5. **Procedures.** There should be policies and procedures in place to govern development activities.
6. **Project management.** The CHDO should have procedures for monitoring the progress of a project and the capacity to monitor project-level cash flow and schedules.
7. **Personnel.** There should be staff that is assigned responsibilities for housing development and personnel policies and job descriptions should be clear.
8. **Staff Skills.** The strength of staff in the following areas shall be considered:
 - a. Legal/financial aspects of housing development
 - b. Management of real estate development
 - c. Oversight of design & construction management
 - d. Marketing, intake
 - e. Property management (if applicable)
9. **Training.** Staff should be encouraged to obtain additional training and develop skills.
10. **Member involvement.** The CHDO's membership should be active and in support of the CHDO's housing activities.

11. **Use of consultants.** To what extent does the CHDO has access to and makes use of qualified development consultants shall be considered, as well as how these consultants interact with staff.

CHDOs may not use a qualified consultant to demonstrate capacity except during an organization's first year as a CHDO. In this case, a consultant may be used to train the CHDO's staff. In addition, a CHDO may never use volunteer labor or services donated by another organization to demonstrate capacity.

12. **Funding access.** The CHDO should have the ability to raise funds for the capital requirements of a project.

XI. EFFECTIVE PERIOD OF CHDO CERTIFICATION

1. To maintain a current CHDO Certification status, the CHDO must submit a complete CHDO Certification package for funding through MHC, and the CHDO must be awarded funds.
2. Certification is effective for a **twelve (12) month** period from approval.

XII. THE CONSOLIDATED PLAN

Activities conducted by CHDOs must be consistent with the state's Consolidated Plan. The Consolidated Plan identifies housing and community development needs in the state's jurisdiction and provides long-term strategy for addressing those needs. The Consolidated Plan indicates the level of resources which are allocated to each program. Each year the state must develop an Action Plan, which spells out which activities it will carry out and how much money will be spent in each area. The Consolidated Planning process is an opportunity for CHDOs to provide input to the state on how funds are allocated.

XIII. HOW TO APPLY FOR CHDO CERTIFICATION

1. Complete a CHDO Project Proposal form and the CHDO Certification Package (Application).
2. Submit one (1) original of the Proposal and Certification application. The application should be bound and delivered to:

Julie Brooks
Mississippi Home Corporation
735 Riverside Drive
Jackson, Mississippi 39202

3. If additional information is requested, the applicant has 30 days to respond. If the requested information is not received within 30 days, the CHDO Certification application will be pending until such information has been submitted.

NOTE: Fax and email copies are not acceptable:

XIV. CODE OF FEDERAL REGULATIONS

Code of Federal Regulations

24 C.F.R. § 92.300 Set-side For Community Housing Development Organizations (CHDOs).

- a) Within 24 months after the date that HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnerships Agreement, the participating jurisdiction must reserve not less than 15 percent of the HOME allocation for investment only in housing to be owned, developed, or sponsored by community housing development organizations. For a State, the HOME allocation includes funds reallocated under §92.451(c)(2)(i) and, for a unit of general local government, includes funds transferred from a State under §92.102(b). The participating jurisdiction must certify the organization as meeting the definition of “community housing development organization” and must document that the organization has capacity to own, develop, or sponsor housing each time it commits funds to the organization. For purposes of this paragraph:
- (1) Funds are reserved when a participating jurisdiction enters into a written agreement with the community housing development organization (or project owner as described in [paragraph \(a\)\(4\)](#) of this section) committing the funds to a specific local project in accordance with paragraph (2) of the definition of “commitment” in [§ 92.2](#).
 - (2) Rental housing is “owned” by the community housing development organization if the community housing development organization is the owner in fee simple absolute of multifamily or single family housing (or has a long term ground lease) for rental to low-income families in accordance with [§ 92.252](#). If the housing is to be rehabilitated or constructed, the community housing development organization hires and oversees the developer that rehabilitates or constructs the housing. At minimum, the community housing development organization must hire or contract with an experienced project manager to oversee all aspects of the development, including obtaining zoning, securing non-HOME financing, selecting a developer or general contractor, overseeing the progress of the work, and determining the reasonableness of costs. The community housing development organization must own the rental housing during development and for a period at least equal to the period of affordability in [§ 92.252](#). If the CHDO acquires housing that meets the property standards in [§ 92.251](#), the CHDO must own the rental housing for a period at least equal to the period of affordability in [§ 92.252](#).
 - (3) Rental housing is “developed” by the community development housing organization if the community housing development organization is the owner of multifamily or single family housing in fee simple absolute (or has a long term ground lease) and the

developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for rent to low-income families in accordance with [§ 92.252](#). To be the “developer,” the community development housing organization must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME financing, selecting architects, engineers, and general contractors, overseeing the progress of the work, and determining the reasonableness of costs. At a minimum, the community housing development organization must own the housing during development and for a period at least equal to the period of affordability in [§ 92.252](#).

- (4) Rental housing is “sponsored” by the community development housing organization if it is rental housing “owned” or “developed” by a subsidiary of a community housing development organization, a limited partnership of which the community housing development organization or its subsidiary is the sole general partner, or a limited liability company of which the community housing development organization or its subsidiary is the sole managing member.
 - (i) The subsidiary of the community housing development organization may be a for-profit or nonprofit organization and must be wholly owned by the community housing development organization. If the limited partnership or limited liability company agreement permits the community housing development organization to be removed as general partner or sole managing member, the agreement must provide that the removal must be for cause and that the community housing development organization must be replaced with another community housing development organization.
 - (ii) The HOME funds must be provided to the entity that owns the project.
- (5) HOME-assisted rental housing is also “sponsored” by a community housing development organization if the community housing development organization “developed” the rental housing project that it agrees to convey to an identified private nonprofit organization at a predetermined time after completion of the development of the project. Sponsored rental housing, as provided in this [paragraph \(a\)\(5\)](#), is subject to the following requirements:
 - (i) The private nonprofit organization may not be created by a governmental entity.
 - (ii) The HOME funds must be invested in the project that is owned by the community housing development organization.
 - (iii) Before commitment of HOME funds, the community housing development organization sponsor must select the nonprofit organization that will obtain ownership of the property.

- (A) The nonprofit organization assumes the community housing development organization's HOME obligations (including any repayment of loans) for the rental project at a specified time after completion of development.
 - (B) If the housing is not transferred to the nonprofit organization, the community housing development organization sponsor remains responsible for the HOME assistance and the HOME project.
- (6) Housing for homeownership is “developed” by the community development housing organization if the community housing development organization is the owner (in fee simple absolute) and developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for sale to low-income families in accordance with [§ 92.254](#).
- (i) To be the “developer” the community development housing organization must arrange financing of the project and be in sole charge of construction. The community housing development organization may provide direct homeownership assistance (e.g., downpayment assistance) when it sells the housing to low-income families and the community housing development organization will not be considered a subrecipient. The HOME funds for downpayment assistance shall not be greater than 10 percent of the amount of HOME funds for development of the housing.
 - (ii) The participating jurisdiction must determine and set forth in its written agreement with the community housing development organization the actual sales prices of the housing or the method by which the sales prices for the housing will be established and whether the proceeds must be returned to the participating jurisdiction or may be retained by the community housing development organization.
 - (A) While proceeds that the participating jurisdiction permits the community housing development organization to retain are not subject to the requirements of this part, the participating jurisdiction must specify in the written agreement with the community housing development organization whether the proceeds are to be used for HOME-eligible activities or other housing activities to benefit low-income families.
 - (B) Funds that are recaptured because the housing no longer meets the affordability requirements under [§ 92.254\(a\)\(5\)\(ii\)](#) are subject to the requirements of this part in accordance with [§ 92.503](#).
- (7) The participating jurisdiction determines the form of assistance (e.g., grant or loan) that it will provide to the community housing development organization receives or, for rental housing projects under [paragraph \(a\)\(4\)](#) of this section, to the entity that owns the project.

- b) Each participating jurisdiction must make reasonable efforts to identify community housing development organizations that are capable, or can reasonably be expected to become capable, of carrying out elements of the jurisdiction's approved consolidated plan and to encourage such community housing development organizations to do so. If during the first 24 months of its participation in the HOME Program a participating jurisdiction cannot identify a sufficient number of capable community housing development organizations, up to 20 percent of the minimum community housing development organization set-aside of 15 percent specified in [paragraph \(a\)](#) of this section, above, (but not more than \$150,000 during the 24 month period) may be committed to develop the capacity of community housing development organizations in the jurisdiction.
- c) Up to 10 percent of the HOME funds reserved under this section may be used for activities specified under [§ 92.301](#).
- d) HOME funds required to be reserved under this section are subject to reduction, as provided in [§ 92.500\(d\)](#).
- e) If funds for operating expenses are provided under [§ 92.208](#) to a community housing development organization that is not also receiving funds under [paragraph \(a\)](#) of this section for housing to be owned, developed or sponsored by the community housing development organization, the participating jurisdiction's written agreement with the community housing development organization must provide that the community housing development organization is expected to receive funds under [paragraph \(a\)](#) of this section for a project within 24 months of the date of receiving the funds for operating expenses, and specifies the terms and conditions upon which this expectation is based.
- f) The participating jurisdiction must ensure that a community housing development organization does not receive HOME funding for any fiscal year in an amount that provides more than 50 percent or \$50,000, whichever is greater, of the community housing development organization's total operating expenses in that fiscal year. This also includes organizational support and housing education provided under section 233(b)(1), (2), and (6) of the Act, as well as funds for operating expenses provided under [§ 92.208](#).

XV. REQUIRED DOCUMENTATION

Provide the following information. Separate each item in the application with a TAB and identify the tab in a table of contents.

- Complete CHDO Applicant Information Form
- Complete CHDO Certification Application Form
- Complete CHDO Authorized Signature and CHDO Role Form
- Complete CHDO Eligibility Survey
- Copy of the CHDO's Annual Operating Budget
- Copy of the CHDO's most recent Audit Report
 - Financial Statements: Financial statements are allowed for organizations expending less than \$750,000 in Federal awards in a fiscal year. Organization's most recent financial statements must be compiled, reviewed, or audited by an independent CPA.
- Copy of the CHDO's Charter (if applicable)
- Copy of the CHDO's Mission Statement and/or Purpose
- Copy of CHDO's By-Laws with any necessary amendments
- Copy of the CHDO's Articles of Incorporation.
- Letter of support from the planning or development agency providing housing related services to the largest municipality in the designated service area. If no such organization exists, then a letter from the mayor or highest elected official (e.g., president of the board of supervisors) of the local government that comprises the majority of the proposed service area.
- Copy of Surety Bond (must be up to date).
- Describe, in detail, the formal process that allows low-income residents and program beneficiaries to advise the CHDO on decisions concerning the site, development and management of affordable housing.
- Map and narrative description of the proposed service area.
- Describe the need(s) the organization will serve in the targeted service area as a CHDO. Provide data, maps, and other information as necessary.
- Copy of the CDHO's 501 (c) (3) or (c) (4) ruling as provided by the IRS.
- An *Experience Certification* form must be completed for each key staff member. Provide resumes and separate statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with HOME funds. W-2, W-4, and or 1099 should also be provided.

- Statement describing the board members selection process.
- Provide a list of all board members including his/her name, physical address, and occupation. Identify the representation area for each board member (low-income, public institution, religious organization or for-profit). Resumes should be provided for each board member. See Certification of Board Status Chart.
- Complete the applicable *Board Member Certification for CHDO Status* form for each required board member (Public Official Certification or Low-Income Representation).
- Copy of the CHDO's written financial policy showing that the CHDO's financial management system conforms to the financial accountability standards of 2 CFR 200.302 and 2 CFR 200.303.
- Statement describing the nature of the housing project(s) the CHDO plans to develop. This statement should include a description of the predevelopment activities undertaken, potential sources of financing, and any other information that will describe the CHDO in pursuing the project.
- Provide a description of the CHDO's relationship with local government, business in the proposed service area, and other non-profit organizations. Describe how these relationships, or partnerships, will help the CHDO meet its housing goals.
- Describe the current capacity of the CHDO. The definition of capacity includes both human and financial resources.
- Complete the CHDO Staff Roster chart. Employees listed will count towards the CHDO's capacity requirement.
 - For each employee provide a copy of their resume and copy of their W-2 and or 1099.
 - Provide a list of training and/or technical assistance received by staff within the last two years.
- A detailed statement that documents the specific services the CHDO has rendered in the proposed service area. Please note that the CHDO must demonstrate that it has at least **one year** of experience serving the community that will benefit from the HOME funds.
- If funded in the past, provide HOME eligible projects begun or completed.
- Provide *Certification of Signatures and Address* form for required key staff members.
- Provide *Certification of Board Status* form for required board members. Select the applicable form to complete (Public Official Certification or Low-Income Representation).

Mississippi Home Corporation
Home Investment Partnerships (HOME) Program Community
Housing Development Organization (CHDO)
CHDO Applicant Information

ORGANIZATION NAME:

ADDRESS:

CITY/STATE/ZIP:

WEBSITE:

ORGANIZATION CONTACT:

TITLE:

EMAIL:

PHONE:

FAX:

UNIQUE ENTITY ID:

FEDERAL TAX ID (EIN):

APPLICATION DATE:

SUBMITTED BY:

Mississippi Home Corporation

CHDO CERTIFICATION APPLICATION

| | | | |
|----------------------|----------------------------------------|--------------------------------|--------------------------|
| Organization Name | | Tax ID Number | |
| Mailing Address | | | |
| Contact Name/Title | | Contact's Daytime Phone Number | |
| Board President Name | Board President's Daytime Phone Number | | Organizations Fax Number |

PLEASE DESCRIBE THE CHDO-ELIGIBLE ACTIVITIES YOUR ORGANIZATION PLANS TO UNDERTAKE AS A CHDO

LIST EACH GEOGRAPHIC AREA TO BE CONSIDERED FOR CHDO CERTIFICATION

| Locality | Locality |
|----------|----------|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

I certify that the submission of this application has been approved by a $\frac{2}{3}$ vote of the Board of Directors. (Please attach a copy of the Board's minutes authorizing submission).

Board President Signature

Date

CHDO AUTHORIZED SIGNATURE AND CHDO ROLE

CHDO's Authorized Representative:

I certify the information provided in this CHDO Certification Application, and all its attachments are true and correct to the best of my knowledge. The authorized representative is the highest executive position within the organization.

Signature: _____ Date: _____

Print Name: _____ Title: _____

CHDO's Board of Directors Chair or Highest Officer:

I certify the information provided in this CHDO Certification Application, and all its attachments are true and correct to the best of my knowledge.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Based on the Code of Federal Regulations (CFR) at 24 CFR Section 92.300 your organization expects to pursue the following CHDO roles (check what applies to your project):

- ☐ Rental Owner [24 CFR Section 92.300(a)(2)]
- ☐ Rental Developer [24 CFR Section 92.300(a)(3)]
- ☐ Rental Sponsor Affiliate [24 CFR Section 92.300(a)(4)]
- ☐ Rental Sponsor Turnkey [24 CFR Section 92.300(a)(5)]
- ☐ Homeownership Developer [24 CFR Section 92.300(a)(6)]

CHDO ELIGIBILITY SURVEY

DATE: _____

ORGANIZATION NAME: _____

CONTACT PERSON: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

OFFICE HOURS: _____

OVERVIEW: To be eligible to submit project proposals for HOME funds under the Community Housing Development Organization (CHDO) Category, a non-profit organization must qualify as a Community Housing Development Organization. This survey is designed to identify non-profit organizations that want to become CHDOs and to assist them in achieving this goal.

If your organization is interested in applying to Mississippi Home Corporation as a Community Housing Development Organization (CHDO), please check the appropriate answer that applies to your organization as of the date the survey is completed.

1. Is your CHDO chartered as a private, non-profit corporation in accordance with state and local laws?

YES ☐

NO ☐

2. Does your CHDO have among its purposes, in its articles of incorporation, resolutions, and by-laws, activities related to the provision of decent housing that is affordable to low and moderate-income persons?

YES ☐

NO ☐

3. Does any part of your CHDO's net earnings (profits) personally benefit any member, founder, contributor, or individual?

YES ☐

NO ☐

4. Is your CHDO tax-exempt under 501(c) (3) or (c) (4) of the Internal Revenue Code of 1986? **(If your organization has applied for their 501(c) (3) or (c) (4) ruling, and has not received the final ruling, the CHDO does not meet this requirement).**

YES ☐

NO ☐

Date your organization received its tax-exempt status: _____

5. Is at least two-thirds of your governing board comprised of individuals that are acting in a private capacity? (i.e., he/she is not legally bound to act on behalf of a public body and is not being paid by a public body while performing functions in connection with the non-profit organization).

YES ☐

NO ☐

6. Does a public body have the authority to appoint more than one-third of the members of the governing board?

YES ☐

NO ☐

- a. Is more than one-third of the CHDO's board comprised of public officials?

YES ☐

NO ☐

7. Is your CHDO either controlled by, or under the direction of, individuals or entities seeking to derive profit or gain from the CHDO?

YES ☐

NO ☐

If you answered "Yes" then:

- a. Is the entity's primary purpose the development or management of housing, real estate management, construction, or development?

YES ☐

NO ☐

- b. Does this entity appoint more than one-third of the CHDO's board?

YES ☐

NO ☐

- c. Do those board members appointed by this entity appoint any of the remaining board members?

YES ☐

NO ☐

d. Is the CHDO free to contract with any vendor for goods and services?

YES ☐

NO ☐

8. Does your CHDO's financial accountability conform to the standards found at 2 CFR 200.302, "Financial Management" and 2 CFR 200.303 "Internal Controls"?

YES ☐

NO ☐

9. Are your CHDO's activities limited to a geographically defined target area?

YES ☐

NO ☐

10. Is at least one-third of the CHDO's board comprised of low-income residents from the target/service area, or community or elected representatives of low-income neighborhood organizations?

YES ☐

NO ☐

a. If the CHDO works within a multi-county area, are there representatives from each county?

YES ☐

NO ☐

11. Does the CHDO provide a formal process for low-income program beneficiaries to advise the CHDO in its decisions regarding the design, site, development, and management of affordable housing?

YES ☐

NO ☐

12. Does the CHDO have the demonstrated capacity (to carry out HOME assisted activities? CHDOs must have experienced key staff who have successfully completed similar projects to those proposed and a plan to train appropriate staff members of the CHDO)

YES ☐

NO ☐

13. Has the CHDO or its parent served the target area/community that would receive HOME assistance for at least two years?

YES ☐

NO ☐

14. Is the CHDO primarily a religious organization, such as a local church?

YES ☐

NO ☐

If you answered no, is the CHDO:

A service CHDO

YES ☐

NO ☐

A neighborhood CHDO

YES ☐

NO ☐

I certify that the information provided within this survey is true and correct.

Signature of Authorized Representative

Date

Name of Organization

EXPERIENCE CERTIFICATION

Please attach signed copies for **each key staff member** whose experience should be considered for meeting the Experience/Capacity requirement. Attach one copy for each project. Resumes and W-2's should also be attached.

Staff or Consultant Name

Mailing Address

Phone Number

Email

Project Name

Project Location

Project Type: (Rental/Homeownership)

of Units

Population Served

Date of Occupancy

Sources of Funds

Description of Staff/Consultant Role in Project

Project References:

Name

Address

Phone

Name

Address

Phone

I certify that the information provided is accurate and give my consent to contact references listed.

Signature

Date

Board Member Certification for CHDO Status

Public Official Certification

Each board member representing the interest of Public Official in the Applicant's target community must complete this certification. Please maintain a copy of this certification in your files and send in a copy to MHC. These certifications will be reviewed during monitoring visits by the State.

Board Member Name: _____

I certify that I am a currently member in good standing of the governing board for _____ (name of applicant CHDO) and that I represent the interests of Public Official in the applicant's target community.

Public Official Certification

For the purposes of 24 CFR Part 92 (HOME Investment Partnerships Program) a "public official" is defined as any person serving in any of the following capacities: *(Check all that apply)*

- ☐ An elected official – council member, alderman, commissioner, state legislator, school board representative, etc.
- ☐ An appointed public official – members of a planning or zoning commission, or any other regulatory and/or advisory commission appointed by the Mayor, Council or other official.
- ☐ An employee of the public official.
- ☐ A person appointed by a public official to serve on the board – any individual who is not necessarily a public official, but who was appointed by a public official (as described above).

*By signing and dating this statement, I hereby certify that **I DO** serve in one of the "public official" capacities stated above.*

Board Member's Signature

Date

Board Member's Printed Name

Board Member Certification for CHDO Status

Low-Income Representation

Each board member representing the interest of low-income families in the Applicant's target community must complete this certification. Please maintain a copy of this certification in your files and send in a copy to MHC. These certifications will be reviewed during monitoring visits by the State.

Board Member Name: _____

I certify that I am a currently member in good standing of the governing board for _____ (name of applicant CHDO) and that I represent the interests of low-income families in the applicant's target community.

Low-Income Representation Certification

For the purposes of 24 CFR Part 92 (HOME Investment Partnerships Program) a person who does not serve as a "public official" in any elected or appointed capacity, and who meets any of the following characteristics is recognized as representing the low-income community. *(Check all that apply)*

- ☐ I live in a low-income area – where 51% or more of the households in my U.S. Census tract have incomes at or below 80% of the median household income, as defined by HUD. My address is:
- ☐ I am an elected representative of the following low-income area neighborhood organization. State the name of the organization below.
- ☐ My household has an income at or below 80% of the median household income for the area in which I live, according to HUD.

By signing and dating this statement, I hereby certify that **I DO** meet the low-income representation characteristic checked above.

Board Member's Signature

Date

Board Member's Printed Name

Certification of Signatures and Address

The Board of Directors of _____ met on the _____ day of the month of _____, 202____ and authorized below named individuals to sign contracts, amendments, disbursement requests and other documents requiring such signatures as a part of the CHDO Certification Program.

Name & Title (Printed)

Signature

Name & Title (Printed)

Signature

Name & Title (Printed)

Signature

In addition, the following individuals have been authorized to serve as the primary and secondary contacts for the organization for matters relating to the CHDO Certification Program.

Primary Contact

Secondary Contact

Name

Name

Title

Title

Daytime Phone Number

Daytime Phone Number

Email

Email

The address to which all correspondence and payments to the CHDO shall be sent is listed below:

Changes to authorized signatures, contact persons or address shall be made in writing to Mississippi Home Corporation.

Signature of President

Date

Signature of Secretary

Date

SAMPLE OF CONFORMITY STATEMENT

Mississippi Home Corporation
Attn.: Julie Brooks
735 Riverside Drive
Jackson, Mississippi 39202

This letter is to state the (Name of CHDO applying for Status) will comply with the federal regulation standards that conform to the financial accountability standards of 2 CFR 200.302 and 2 CFR 200.303 according to the Department of Housing and Urban Development.

Signature (Signed by Executive Director/President)

Date

Notary

Commission Expires

(SEAL)

Certification of Board Status

Applicants must complete the following *Certification of Board Status* and submit it along with their application for State CHDO certification. Please list each board member by name, then place a check indicating the representation that member brings to the Board. Please list only current or approved board members. Do not list prospective board members who have not been approved to join the board. **Minimum: CHDO's must have a minimum of six (6) members.** Do not provide post office box as an address.

| Board Member and Residential Address | Number of Years on Board | Low-Income | Public Institution | Religious Organization | For Profit | Occupation and Place of Employment (if retired, please specify areas of expertise) |
|--------------------------------------|--------------------------|------------|--------------------|------------------------|------------|------------------------------------------------------------------------------------|
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I certify that the above listing of current, participating board members is accurate.

Board President Signature: _____

Date: _____

CHDO Staff Roster

Employees listed will count towards the CHDO's capacity requirement. For each employee provide a copy of their W-2, W-4 and or 1099. For each contract employee, provide a copy of the contract between the CHDO and the employee. Provide a resume for each employee. Resumes should also include housing development experience (if applicable) and any training received within the past 2 years.

Organization Name: _____

| Employee Name | Title | Full-Time / Part-Time | Hours Per Week | W-2, W-4, or Contract Employee | Housing Development Experience? | Project Role? |
|---------------|-------|-----------------------|----------------|--------------------------------|---------------------------------|---------------|
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I certify that the above information is true and correct at the time of application.

Signature (Signed by Executive Director/President)

Date