

# MIAMI-DADE COUNTY PUBLIC HOUSING AND COMMUNITY DEVELOPMENT



## AFFORDABLE HOUSING HOMEBUYER LOAN PROGRAM AND SINGLE-FAMILY REHABILITATION PROGRAM GUIDELINES



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## INTRODUCTION

Miami-Dade County through Public Housing and Community Development (PHCD) implements a wide range of housing programs designed to enhance housing opportunities for low- and moderate-income individuals and families. Pursuant to these Affordable Housing, Homeownership and Rehabilitation Program Guidelines assistance may be provided to developers, community development corporations, individuals and families through an array of programs encompassing acquisition, construction, rehabilitation, reconstruction, and permanent financing (in the form of mortgage assistance, including subordinate mortgages). Homeownership counseling is a recommended component of all the homeownership programs. The following is a list of programs offered:

## HOMEOWNERSHIP MORTGAGE ASSISTANCE

The homeownership mortgage assistance component provides funds to very-low, low- and moderate-income individuals and families to acquire newly constructed or existing housing units.

### *Homebuyer Loan Program*

The Homebuyer Loan Program (HLP) pursuant to Ordinance No. 15-127 is a homebuyer assistance program which provides mortgage loan assistance using Documentary Surtax funds to qualified low- and moderate -income individuals and families for the purchase of primary residence. The First Mortgage Lender (licensed in the State of Florida) provides mortgage assistance through their First – Time Homebuyer/Homeownership Program with the HLP. The Lender(s) are approved through PHCD. The HLP does not govern the use of federal funds.

### *Housing Rehabilitation*

The Housing Rehabilitation Program provides for expansion and upgrades to owner-occupied single-family homes. These improvements are primarily geared to addressing health and safety issues, and code violations, inclusive of roof repairs, plumbing and electrical as well as associated repairs and exterior painting. (See Single Family Rehabilitation Guidelines on page 27 for more details).

### *Assistance for Condominium Unit Owners/Special Assessments*

This Program will assist owner occupied condominium homeowners with limited finances, address special assessment requirements associated with rehabilitation/repairs as a result of applicable building integrity recertification requirements. Surtax funds will be in the form of a loan and the annual household median income may not exceed the maximum limit of 140% as indicated in the Miami-Dade County income limit chart. Loan terms will be structured so as to mitigate the financial burden on families while recognizing the need to ensure compliance with the Surtax program.

### *Housing Development*

The housing development component provides funding to developers, as available, to defray the costs of new construction, rehabilitation and/or other costs associated with the development of single-family and multi-family housing. This component is intended to increase housing opportunities for persons by encouraging the creation and rehabilitation of affordable housing units.

### *Disaster Relief Assistance*

The Disaster Relief Assistance provides emergency disaster relief to homeowners whose locality has been impacted by a major man-made or natural disaster. Individuals in areas which have been declared/designated disaster areas by the federal, state and/or local government can be eligible to receive funding for rehabilitation or reconstruction of their homes. To be eligible for Disaster Relief Initiative (DRI) funding a person must be the homeowner and occupy the home, which is defined as the primary owned homestead and occupied dwelling of a single family. Rehabilitation or reconstruction costs will be limited to the real estate structure only. Funds can be provided for a first and/or subordinate mortgage to the homeowner based on the terms and conditions outlined in the Miami-Dade County Guidelines. This assistance is provided as gap assistance for any damage that insurance, Federal Emergency Management Agency (FEMA), or other sources do not cover.

## **Homebuyer Education and Counseling**

For the County Funded Homeownership Program, the homebuyer is recommended to attend the homebuyer counseling agency class provided by a U.S. Department of Housing and Urban Development (HUD) approved agency before meeting with the first mortgage lender. The list of HUD approved homebuyer counseling agencies can be found in the following link provided: <https://hudgovanswers.force.com/housingcounseling/s/>. The homebuyer(s) provides the Homebuyer Counseling certificate from the class to the first mortgage lender and PHCD. This certificate is valid for one year.

The homebuyer is encouraged to attend the Homebuyer Education and Counseling Class (Homebuyer Counseling Agency) class. The homebuyer counseling agency component provides education and counseling to individuals regarding purchasing and financing of affordable housing units. The homebuyer counseling agencies are required to cover a variety of topics which include fair housing practices, credit counseling, budget and money management, financial literacy proximity of schools, employment and transportation, home maintenance, the mortgage approval and post-closing process, selecting a neighborhood, locating a home, negotiating a purchase price, and finding appropriate financing. Specifically, the Homebuyer Counseling Agency is required to cover the PHCD Homebuyer Loan Program (first-time homeownership program). This element will provide the homebuyer all the specific items of the process to purchase a home with the first lender and PHCD.

In accordance with Miami-Dade County Resolution No. R-1008-14, homebuyer counseling agencies shall cover additional topics, including the legal significance of buying a home using a purchase and sale agreement containing an "AS IS" clause, homebuyers' right to select their own title agent, and homebuyers' right to have the property inspected by an inspector of their choice. This resolution also requires frequent and random monitoring of these classes by Miami-Dade County to ensure that these new topics, as well as the previously required topics, are being taught.

### *"Jumpstart" Assistance*

The jumpstart assistance provides funding to assist disaster-affected homeowners, make a down payment on a new home, repair their current disaster-affected home or obtain a mortgage while awaiting a potential buyout from FEMA. Down payment assistance to purchase a new home can be obtained in the form of a subordinate mortgage subsidy awarded on the current program guidelines to applicants who are able to qualify for a first mortgage amount. First mortgage assistance can be provided as an exception on a case-by-case basis.

# HOMEBUYER DOWN PAYMENT ASSISTANCE PROGRAM GUIDELINES

Income Categories to be served: very-low, low and moderate

**Maximum award:** \$35,000

**Down Payment Loan Terms:**

- A. Loan
- B. Term: Up to 30 years deferred loan with no interest, unpaid principal balance due at maturity.
- C. Payments: No monthly payment required. Unpaid principal balance due upon sale, transfer of title, refinance or death during the term of the down payment loan.
- D. Applicant's income level may not exceed 140 percent of the Miami-Dade County area mean income adjusted for family size, down payment and/or closing cost assistance will be available to families with an annual income between 0 to 140 percent of AMI subject to underwriting.

**Recipient Selection Criteria:** Available to eligible applicants as a stand-alone program or to participants in Miami-Dade County's Homebuyer Loan Program Ord. No. 21-24.

The program also encourages and strongly recommends that potential homebuyers receive homebuyer counseling from a HUD certified agency and to complete approved homebuyer education training. The education training will cover such topics as: choosing a realtor, selecting a home, qualifying for mortgage financing to include PHCD homeownership programs, a comprehensive home inspection, entering a purchase/sale contract, maintaining a home, handling credit affairs and other skills needed for homeownership. For HUD approved homebuyer counseling agencies go to <https://hudgovanswers.force.com/housingcounseling/s/>.

## **Additional Recommendations**

- Combined Loan to Value (CLTV) not to exceed 105 percent of the purchase price including all mortgages and down payment assistance.
- Borrower must have 1% of the purchase price from their own funds for the down payment.
- Amount of down payment assistance will be based on underwriting by the first mortgage lender.
- Fixed rate mortgages only.
- For stand-alone purchases, first mortgage lenders are not required to be an approved lender in PHCD's Homebuyer Loan Program. First mortgage lenders must provide a commitment letter along with the completed loan package.

## HOMEBUYER LOAN PROGRAM GUIDELINES

### THE HOMEBUYER SECOND MORTGAGE PROGRAM

Income Limits <ul style="list-style-type: none"> <li>• 30%-140% AMI</li> </ul>	Homebuyer's Counseling <ul style="list-style-type: none"> <li>• 8 hours HUD approved</li> </ul>
Employment & Credit <ul style="list-style-type: none"> <li>• Is subject to approval by the State of Florida licensed First Mortgage Lender*</li> </ul>	Maximum Purchase Price <ul style="list-style-type: none"> <li>• Is subject to approval by the State of Florida licensed First Mortgage Lender*</li> </ul>
Citizenship <ul style="list-style-type: none"> <li>• Must be a US citizen or permanent resident</li> </ul>	Loan Terms <ul style="list-style-type: none"> <li>• 30 years</li> </ul>
Down-payment <ul style="list-style-type: none"> <li>• Is subject to approval by the State of Florida licensed First Mortgage Lender*</li> </ul>	Loan Rate <ul style="list-style-type: none"> <li>• 1% - 2%</li> </ul>
Minimum Debt to Income <ul style="list-style-type: none"> <li>• Is subject to approval by the State of Florida licensed First Mortgage Lender*</li> </ul>	Occupancy <ul style="list-style-type: none"> <li>• Primary</li> </ul>
<ul style="list-style-type: none"> <li>• Is subject to approval by the State of Florida licensed First Mortgage Lender*</li> </ul>	

\*The maximum sales price for borrowers to purchase a home under the Homebuyer Loan Program is subject to approval by the State of Florida licensed First Mortgage Lender. The funding is provided through the First Mortgage Lender's First – Time Homebuyer/Homeownership Program with HLP.

*The interest rates and loan amounts are determined/based on the location of the property. The Maximum Loan Amount is up to \$100,000 at 1% interest rate inside Vulnerability Ranked Eligible Block Group Areas. Vulnerability Ranked Eligible Block Group Areas are in Miami-Dade County as identified in the County's Miami-Dade County Five -Year Consolidated Plan filed with the United States Department of Housing and Urban Development (U.S.HUD). The Maximum Loan Amount is up to \$80,000 at 2% interest rate outside Miami-Dade County Vulnerability Ranked Eligible Block Group Areas.*

## HOMEBUYERS

- Eligible homebuyers are single individuals, or two or more persons whose combined household income does not exceed 140% of Area Median Income and who meet the eligibility criteria set forth by the State of Florida licensed First Mortgage Lender

### Initial Interview Process

The first step towards receiving assistance is the initial interview. The homebuyer must have all the documents requested, including the signed sales contract for review to determine eligibility for the subsidy. During the interview process, the applicant will be required to sign all disclosure forms for the program. When applicable, the applicant(s) will be given a predetermination eligibility letter which they will take to the first mortgage lender within 30 days.

The homeownership specialist schedules an interview with the applicant when the first mortgage lender package is received. Following the initial interview, updated documents may be requested from the homebuyer (bank statements, pay – stubs, etc.). When the first mortgage lender has approved the file, the lender must submit to PHCD the documents below via regular mail or courier; the documents cannot be submitted by applicant. The underwriting process must be completed before the commitment of funds.

*Note: It is anticipated that secured electronic transmission of loan packages will be accepted in the near future. The Department does not have the email capacity to accept electronic loan packages currently.*

The loan package should consist of:

- a. Form 1003 - uniform residential loan application (signed and dated)
- b. Form 1008 - transmittal summary (signed)
- c. Escrow letter and proof of deposit
- d. Bank commitment letter
- e. Truth in lending
- f. Good faith estimate
- g. Appraisal
- h. Current tri – merged Credit Report
- i. Single Family Residence – Insurance Quotes and Condo – Monthly (HOA)
- j. Soil Treatment Certificate and Certificate of Occupancy (For new properties)
- k. Condominium(s) 40 years or older must have 40 Year Certification (40) or 10 Year Re-certification Letter
- l. Last six months (6) Bank Statements

When the file is approved by PHCD, a firm commitment letter will be issued to the homebuyer who will be required to sign and return the commitment letter to PHCD to initiate the request for funding.

#### Process for Closing

**PHCD requires a two (2) day notice, in writing or (email), prior to scheduling a closing.**

A Final Closing Disclosure/Settlement Statement (HUD-1) must be submitted to PHCD prior to closing for review and approval to enable funds to be requested and ensure there are no excessive fees being charged to the homebuyer.

Developer fees are not allowed. See Attachment IV for a list of the allowable fees that can be charged to the applicant at closing.

Miami-Dade County requires a minimum of seven working days to process and disburse requested funds. Funds are payable and directed to the closing agents/title companies only. All closing agents/title companies MUST be approved by Miami-Dade County.

PHCD will review reasonableness of fees imposed by closing agents/title companies or fees of a third party before closing.

PHCD reserves the right to investigate and discuss the fees with the homebuyer which may result in delaying the closing.

Closing agents/title companies who charge unreasonable fees are subject to removal from the approved list of approved closing agents/title companies.

Lenders/Developers may be required to provide evidence of project approval from Fannie Mae and Federal Housing Administration (FHA) for condominiums. Project approval from Fannie Mae and/or FHA is required to accept subsidy financing.



## ELIGIBILITY REQUIREMENTS

### *Occupancy Requirement/Ownership*

The homebuyer must use the property as the primary residence which will be stated in the loan documents. Ownership must be in fee simple title. In cases of a 99-year leasehold interest, the remaining lease term must equal the term of the loan. The Infill Housing Program homebuyer must use the property as primary residence which will be reflected by a deed restriction or a restrictive covenant/shared equity and will be stated in the loan documents

The property may not be rented, leased, or otherwise used as an income or investment property at any time that the loan remains in effect. If at any time it is discovered that the property has been rented or leased, the County may accelerate the remaining balance due on the loan and demand immediate payment in full.

### *Affordability*

SHIP	Loan Term 30 years or until the property is sold, transferred, leased or otherwise disposed of.
Surtax	Loan Term 30 years or until the property is sold, transferred, leased or otherwise disposed of.
HOME/CDBG	< \$15,000 = 5 years \$15,000 to \$40,000 = 10 years >\$40,000 = 20 years For HOME Loans only. If FHA, insured mortgage 15 years

### *Eligible Verification (Surtax, Home/CDBG and Ship)*

Household occupants shall be verified by using any one or more of the following items:

- Birth certificates and Social Security cards on all household occupants (no birth cards).
- School records which give dependents' residing address.
- Court-ordered letters of guardianship/adoption.
- Copy of divorce decree and property settlement agreement.
- Children who live with parent for 50 percent of the year should be included among the members in a household (joint custody).
- In cases where the applicant claims to be separated from the spouse; the applicant must provide the following additional documentation for the spouse who will not occupy the property (IRS tax return; driver's license; voter's registration card; legal separation agreement; utility bills).
- A third-party verification or regular cash contribution letter must be submitted for non-court ordered child support.
- A letter from the Department of Revenue/Child Support Enforcement office is required. The full amount of court ordered child support must be included in household income whether it is regularly received by the household. SHIP stipulation will apply.
- Marriage Certificate (when applicable).

Homebuyer(s) who are delinquent on a Federal debt or debt related to Miami-Dade County may become eligible once the borrower brings the account current or enters a satisfactory repayment plan with the respective federal agency.

### *Immigration Status*

Applicants for any of the programs and/or activities mentioned herein are subject to immigration regulations and eligibility as determined by the United States Department of Housing and Urban Development (USHUD) and/or Miami-Dade County regulations. Benefits may be prorated based on the income of legal residents in a household.

For Documentary Stamp Surtax (Surtax) loans, proof of US permanent resident status or US Citizenship, and/or other related documentation (including special status such as Nicaragua Adjustment and Central American Release Act (NACARA Section 203), Cuban Adjustment Act and political asylum) must be current as of the date of application for assistance from the County.

For HOME, CDBG and SHIP, the applicants must be permanent residents of the United States or U.S. Citizens.

## **INCOME SECTION**

### *Income Qualification*

For subsidy purposes, annual income is the gross amount of income anticipated to be received by all adults in a family during the twelve (12) months following the effective date of the income determination.

When calculating income, note that SHIP and HOME/CDBG funding require that the anticipated income be based on present income plus any income to be received in the next 12 months. Once the income certification is completed by PHCD staff and executed by the SHIP Administrator or designee, an award letter/commitment letter is issued. The commitment letter is valid for six months. Surtax allows for income averaging for the past two years for applicants who are self-employed earn commission, tips, bonuses, and overtime.

Florida property laws do not legally recognize separation as it relates to property ownership. Consequently, when an applicant is legally married but does not currently reside with the spouse, the spouse must sign the mortgage and the subsidy recapture provision, and his/her income must be counted as part of the annual household income. Florida property laws apply in cases of temporary separation, for example, when a spouse does not live in the house due to military service, attendance in college, offshore work, or other instances where a family member is temporarily residing in another location.

In some situations, however, it seems clear that the homebuyer has no plan to reunite with the estranged spouse and the separation is permanent. The flexible nature of these programs is intended for local governments to determine the appropriate use of funds while 1) ensuring accountability, 2) to decide about a permanent separation 3) and to obtain as many details as possible to document the subsidy recipient. In cases of permanent separation where the applicant and the estranged spouse maintain separate residences and file separate tax returns the homebuyer must provide proof of separation by providing copies of the estranged spouse's IRS tax returns, driver's license, utility bills, etc. The estranged spouse does not need to be counted in the household size and his/her income should not be included in household income.

### *Qualifying Using Section 8 Voucher*

If a homebuyer is purchasing under the Section 8 Housing Choice Voucher Homeownership Program the Housing Assistance Payment (HAP) may not be added to the homebuyer(s) annual income to determine the maximum first mortgage amount, or the HAP may be deducted from the principal and interest of the first and/or subordinate mortgage, whichever provides the greatest benefit to the homebuyer. The HAP is the difference between the voucher amount and the homebuyer(s) portion of the rent.

Please note that this amount is subject to change, because it will be based on the property to be purchased. The revised amount must be approved and authorized by the Section 8 Housing Choice Voucher Program. Consequently, it is required that all clients obtain lender pre-approval prior to contract execution.

***Income Recertification***

Annual income recertification is required of all homebuyers who purchase property using the Section 8 Housing Choice Voucher Homeownership program.

**INCOME RANGE OF APPLICANTS TO BE SERVED**

The homebuyer(s) total household income may range from very low to moderate-income depending on the funding source being invested in the property. Homebuyer(s) total household income must meet the income criteria at the time the homebuyer applies for mortgage assistance. (See Attachment I for current income limits).

Income must also be calculated based on the information provided in the Verification of Employment form. Income calculated for subsidy purposes may differ from income used for credit purposes by the lender.

	<u>FUNDING SOURCE</u>	
	Surtax	SHIP
Maximum applicant income limits as a percentage of the area median income ("AMI")	140%	140%

*Note: Funding source income limits may be further restricted by program guidelines.*

**INCOME AND IDENTITY VERIFICATION**

Homebuyer(s) income will be verified using one or more of the following documents:

- Tax returns, W2's and 1099's must be signed and dated by the applicant(s)
  - Also required copies of the tax transcripts for the most recent tax year end
  - Verification of employment, (Federal National Mortgage Association (FNMA) form or third-party form included in these guidelines are acceptable, provided that the form is filled out completely)
  - Other sources of income that can be readily verified (i.e., social security, pension retirement, and child support)
  - Social Security Income may be subject to federal restrictions, which may limit its use
  - Interest, dividends, and other net income
  - Any other form of verification as required by funding
  - Cash contribution letter for non-court ordered child support
  - A letter from the Child Support Enforcement Division whether child support is being received or not.
- In addition to Federal Income Tax Returns, the number of household occupants shall be verified using one (1) of the following items:

*\*Note: If a dependent is listed on the tax return, then copies of birth certificates can be sufficient. However, if a copy of the birth certificate is in the file and the dependent is not listed on the tax return, we may request copies of school records to verify that the individual resides on the property.*

***Income Inclusions and Exclusions for Eligibility Purposes for Surtax/SHIP***

Annual Income Inclusions	Annual Income Exclusions
<p>Annual income inclusions defined under U.S. HUD 24 C.F.R. Section 5.609(b) are listed as follows:</p> <ul style="list-style-type: none"> <li>• The gross amount (before any payroll deductions) of wages, salaries, overtime pay, commissions, fees, tips and bonuses, and any other compensation for personal services received by all eligible household members;</li> <li>• the net income from the operation of a business or profession;</li> <li>• interest, dividends, and other net income of any kind from real or personal property;</li> <li>• the full number of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits;</li> <li>• payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;</li> <li>• welfare or other need-based payments to families or individuals that are made under programs funded separately, or jointly by federal, state or local governments;</li> <li>• periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;</li> <li>• all regular pay, special pay and allowances of a member of the Armed Forces; and</li> <li>• SSI income may be subject to federal restrictions which may limit its use.</li> </ul> <p><i>Note:</i> Surtax allows for income averaging for the past two years for applicants that are self-employed, or earn commission, tips, bonuses, and overtime.</p>	<p>The most common types of excluded annual income include:</p> <ul style="list-style-type: none"> <li>• Income from employment of children (including foster children) under the age of eighteen (18) years;</li> <li>• payments received for the care of foster children or adults;</li> <li>• lump-sum additions to family assets, such as inheritances, insurance payments;</li> <li>• reimbursement for the cost of medical expenses for any family member;</li> <li>• income of a live-in aid;</li> <li>• the full amount of student financial assistance paid directly to the student or to the educational institution;</li> <li>• the special pay to a family member serving in the Armed Forces who is exposed to hostile fire;</li> <li>• income from training programs funded by HUD;</li> <li>• temporary, nonrecurring or sporadic income (including gifts);</li> <li>• reparation payments paid by a foreign government to persons who were persecuted during the Nazi era;</li> <li>• income from earnings in excess of \$480 for each full-time student eighteen (18) years or older (excluding the head of household and spouse);</li> <li>• adoption assistance payments in excess of \$480 per adopted child;</li> <li>• deferred payments received in a lump sum;</li> <li>• refunds or rebates for property taxes paid on the dwelling unit; or services and equipment needed to keep a developmentally disabled family member at home</li> </ul>

*Income Inclusions for Credit Purposes Surtax/SHIP*

<b>CREDIT DOCUMENTATION</b>	
<b>Surtax</b>	<b>SHIP</b>
Subject to approval by the State of Florida licensed First Mortgage Lender.	Verification of employment (valid for 90 days from the date received. If the information is orally updated by the source, the VOE will remain in effect for an additional 30 days). Third Party Verification of Employment is required by SHIP, (Attachment III)
Subject to approval by the State of Florida licensed First Mortgage Lender.	Tax returns and W-2 for the previous two (2) years or IRS Form 1722 (which gives the applicant's income and filing status may be requested). Returns must be signed & dated by applicant.
Subject to approval by the State of Florida licensed First Mortgage Lender.	If self-employed year-to-date, profit and loss statement as of the date of application.
Subject to approval by the State of Florida licensed First Mortgage Lender.	Six (6) months of bank statements or bank's computer printout reflecting a balance for each month
Subject to approval by the State of Florida licensed First Mortgage Lender.	Tri-merged credit report (valid for 3 months)
Subject to approval by the State of Florida licensed First Mortgage Lender.	Verification of Assets – Retirement Account

## Homeownership Loan Ratios

Minimum front-end ratios may be lower at the discretion of Miami-Dade County. Ratios are subject to change based on industry standards.

Loans to applicants allow for the following ratios:		
Funding Source:	Surtax	HOME/CDBG
Maximum Monthly Housing Debt*	Subject to approval by the State of Florida Licensed First Mortgage Lender	40 %
Maximum Total Debt-to-Income*	Subject to approval by the State of Florida Licensed First Mortgage Lender.	50%

\*INCLUDING OUTSTANDING CREDIT OBLIGATIONS\*

### FIRST MORTGAGE LENDER LOAN PROCESSING FOR MORTGAGE ASSISTANCE

First Mortgage Lender (lender), developers, and Realtors perform a pre-screening of their applicants to ensure that they have documentation required by the program making an appointment to meet with a homeownership specialist. The Lender, developer, and Realtor will provide the checklist of documents to their applicants (see Attachment II). After the lender, developer, and/or Realtor have pre-screened the applicant, he/she will instruct the applicant to contact PHCD to set an appointment for an interview with the homeownership specialist assigned to the case. The lender will be advised of the homeownership specialist assigned to the case. New construction of single-family homes should be 80% completed prior to first lender loan submission and/or PHCD pre-approval.

*NOTE: Due to the limited availability of funds, all funds will be made available for interested homebuyers on a first-come first-serve basis. However, a homebuyer must meet all program requirements to close.*

### Property Standards

Detached single-family units, condominium units, approved manufactured homes, studios, twin homes (must evidence a Declaration of Condominium documents recorded in the Public Records disclosing separate folio numbers), except for common areas and town homes are eligible properties. File(s) classified as Twin home Properties are required to have separate folio numbers at time of file submission to PHCD for second mortgage subsidy (NO EXCEPTIONS). Properties with swimming pool are acceptable on a case-by-case basis except for HOME, SHIP & CDBG funding. The pool monthly maintenance fee will be included in the debt-to-income ratios when the subsidy loan is approved. For HOME/CDBG loans only, ineligible properties are those properties leased to a tenant which would trigger a relocation of that tenant.

Duplex and Time Share properties are not eligible for Homeownership Assistance.

### **Purchase Price**

The maximum sales price for borrowers to purchase a home under the Homebuyer Loan Program is subject to approval by the State of Florida licensed First Mortgage Lender.

At a minimum, the property must be appraised for the contracted purchase price, however, if the appraised value is less than the purchase price, PHCD will not provide subsidy financing above the appraised value and additional funds beyond the appraised price.

The Infill Housing Program Maximum Sales Price pursuant to Miami-Dade Ordinance 21-80 for homes sold under Miami-Dade Affordable Housing Programs, including Infill is \$394,000 or the Appraised value (the lesser of the two).

*Note: For maximum subordinate mortgage amounts for low to moderate-income individuals and families, income and mortgage limits. (See attachment I)*

### **Credit Requirements**

PHCD housing programs do not have a minimum credit score requirement or threshold; the Department however reserves the right to ask for explanations of any derogatory or negative items contained in the credit report. In situations whereby a collection appears on the credit report, whether those collections require repayment prior to the loan closing is left to the discretion of PHCD. All collection items related to a County Program or including a County medical collection, must be paid prior to closing.

### **Non-Applying Spouse**

Non-homebuyer spouse can have an ownership interest in the property at the time of settlement without executing the promissory note. The non – homebuying spouse must execute a restrictive covenant or the shared equity agreement, if applicable.

The credit history of the non-homebuyer spouse is not considered as a reason to deny a loan application. However, the non-homebuyer spouse's income will be used to determine the appropriate subsidy.

## **DOWN PAYMENT / CLOSING COSTS**

Down payment requirements are as follows:

- Minimum down payment requirement is subject to the approval of the State of Florida Licensed First Mortgage Lender.
- Down payment required by US HUD for Section 8 Homeownership Program is three percent (3%) of the purchase price, of which one percent (1%) of the purchase price must be from the applicant's own funds.

The combined loan-to-value ratio "CLTV" of all mortgages including closing cost assistance shall not exceed one hundred five percent (105%) of the purchase price and for loans funded with Surtax Funds shall be subject to the approval of the State of Florida Licensed First Mortgage Lender.

## **GIFTS**

The homebuyer can satisfy part of the cash requirement for closing with funds received as cash gifts from relatives, or cash savings clubs. For underwriting purposes, a relative is defined as a spouse, parent, stepparent, legal guardian, grandparent, brother, sister, or child. In general, before using funds from gifts, the homebuyer is recommended to use his or her own funds to make a down payment toward the sales price of a property.

To verify a gift, the homebuyer is recommended to obtain a signed letter from the donor that includes:

- Specific dollar amount of the gift and date the funds were deposited/transferred to the borrower's bank account.
- Donor's name, address, telephone number, and relationship to the homebuyer.
- Statement from the donor saying that no repayment is expected.

In cases where the gift funds have already been transferred, staff must verify that sufficient funds to cover the gift have been transferred from the donor's account to the homebuyer's account or that the donor's account has adequate funds to cover the amount of the gift.

## ASSET LIMITATIONS

Any excess liquid assets over \$50,000 (*excluding pensions, annuities, 401K, etc.*) are recommended to be used for a higher down payment or to cover closing costs. Liquid Assets is defined as available cash on hand, or in banks or an instrument that has the capacity to be easily converted to cash. This asset limitation does not apply to retired persons regardless of age or permanently disabled persons.

For HOME/CDBG and SHIP only, applicants who have assets in excess of \$5,000.00 must include income earned assets in the income calculation using the greater of (i) the actual income earned on those assets, or (ii) the income calculated using the current LIBOR rate as set by HUD.

## FIRST MORTGAGE FINANCING

Miami-Dade County will not approve subordinate mortgage financing for loans whose first mortgage has a balloon payment, adjustable rate, carries an unusually high interest rate, or includes prepayment penalties.

The lender must use the tax estimator from the Miami-Dade County Property Appraiser website to estimate the taxes and calculate the insurance at 1.5% of the purchase price if a quote cannot be obtained prior to submitting the loan package.

## SECOND MORTGAGE FINANCING

### *Monthly Payments for PHCD Assistance*

*Monthly Payments for Surtax loans will be as follows*

<i>Income Level</i>	<i>Interest Rate</i>	<i>Years 1 to 30</i>
<i>Very Low to Moderate</i>	<i>1-2%</i>	<i>Fully amortized for 30 years</i>

PHCD will process the application for a second mortgage at a 1% or 2% interest rate, to assist in the acquisition of the home. The amount and interest rate on the loan and the resulting monthly payment be based on the information submitted to PHCD by the first mortgage lending institution handling the application, after the lender approves the homebuyer for a first mortgage. The amount of the second mortgage at below market rate (subsidy) will be calculated based on the homebuyer's income and family size, as a percentage of the sale's price. The monthly payments on the second loan will be based on the loan amount and interest rate approved for the homebuyer. There will be a fully amortized thirty (30) year monthly payment in every case. The lender will provide the homebuyer an estimate of the monthly payment. Some exceptions may apply.



## *Inspection*

Homes finance through the Miami-Dade County Homebuyer Loan Program are recommended to undergo an inspection by a qualified home inspector in accordance with Miami-Dade County Resolution No. R-1008-14. A qualified home inspector is one who has a valid home inspection license issued by the State of Florida through the home inspection services licensing program. Prior to commencing a home inspection, the home inspector shall provide a copy of their license to practice home inspection services in the State of Florida to the homebuyer. The home inspection is intended to prevent hardships on homebuyers and can be useful in preventing homebuyers from purchasing homes with structural or other building problems. The breadth of the home inspection shall be enough to alert homebuyers of significant defects in the home, including structural problems, and identify whether the home is in compliance with the Miami-Dade County Building Code. If the Comprehensive Private Home Inspection Report reflect repairs and/or replacements, PHCD must have evidence regarding the repairs and/or replacements were completed prior to Closing. The Department has the discretion to deny a homebuyer loan on a particular property based upon substantial negative findings in the home inspection upon a determination that denying a loan is in the best interest of the County. The payment of said inspection can be from the homebuyer in cash or using the funds loaned to the homebuyer from the County. If the property does not pass inspection and the homebuyer does not close on that property, PHCD will consider reimburse to the homebuyer for the cost of the inspection.

**Buildings forty (40) years and older must possess the Forty (40) Year Certification or Ten (10) Year Re-certification Letter from the appropriate jurisdiction at time of file submission. Any successor regulations to the current 40 years or 10 years recertification requirements shall be made a part of these guidelines without specific amendments to these guidelines.**

**A Hold Harmless Affidavit will also be required to be signed by the applicant(s) at time of application that states the County is not responsible for code violations, liens, open permits, or illegal structures. Sellers are required to disclose code violations, illegal structures or additions. Miami-Dade County will not award subsidy financing if any of these conditions exist.**

Housing Quality Standards (HQS) Inspections are required for Section 8 Housing Choice Voucher Homeownership Program transactions. Inspections of the roof, septic tank and for termites shall be performed by a State of Florida licensed inspector specializing in each of these areas. These three inspections shall be paid for by the homebuyer regardless of the outcome of the inspection and are valid for 45 days from the date of the inspection.

If the property was constructed prior to 1978, a lead-based paint inspection will be required by an Environmental Protection Agency (EPA) Certified Inspector, EPA Certified Risk Assessor and/or EPA Certified Firm prior to closing and is to be paid for by the homebuyer. The report must show a negative outcome for lead base paint. Where lead base paint is uncovered, abatement must be completed prior to closing. All construction projects must obtain a certificate of occupancy, a loan closing will not take place with a temporary certificate of occupancy.

All federal funded loans (HOME) also require an Environmental Review Clearance which will be conducted by PHCD staff, or successor entity.

## FOR HUD “HOME” FUNDED PROGRAMS ONLY

Homebuyer Resale Provision. Resale provisions are applicable if the housing is assisted with HUD HOME funds and the assisted housing does not continue to be the principal residence of the family for the duration of the period of affordability. PHCD requires the assisted housing is made available for a subsequent purchase only to a buyer whose family qualifies as a low-income family and will use the property as its principal residence.

Homebuyer Repayment. PHCD will provide zero percent (0%) interest deferred payment, (\_\_\_\_\_ lien position) mortgage loan in an amount of up to \$\_\_\_\_\_ until the first to occur of the following events: (1) Home Buyer sells, transfers or deposes of the assisted unit (either by sale, transfer, bankruptcy or foreclosure, etc.), (2) the Home Buyer no longer occupies the unit as their principal residence. (3) the Home Buyer dies, or if a married couple, survivor dies or (4) the affordability period for this loan ends.

### Loan Servicing

All loans referenced in these guidelines will be serviced by the PHCD Loan Servicing Unit or Miami-Dade County approved private firm specializing in mortgage loan servicing. All costs associated with the servicing of homeownership loans shall be paid out of the loan program operating budget.

## PARTICIPATING FIRST MORTGAGE LENDERS

### Loans

The Purchase and Sales Contract should reflect a 60-day period to closing. When the loan is submitted by the first mortgage lender, PHCD should be allowed up to 30 days to close from the date all required documents and information are received from underwriting to close.

**INCOME AND MORTGAGE LIMITS  
Adjusted for Family Size**

FAMILY SIZE	30%	50%	80%	Median 100%	120%	140%
	< E. LOW	<- V. LOW	<-LOW/MOD >			
1	\$23,850.00	\$39,750.00	<b>\$63,550.00</b>	<b>\$79,500.00</b>	\$95,400.00	\$111,300.00
2	\$27,250.00	\$45,400.00	<b>\$72,650.00</b>	<b>\$90,800.00</b>	\$108,960.00	\$127,120.00
3	\$30,650.00	\$51,050.00	<b>\$81,700.00</b>	<b>\$102,100.00</b>	\$122,520.00	\$142,940.00
4	\$34,050.00	\$56,750.00	<b>\$90,800.00</b>	<b>\$113,500.00</b>	\$136,200.00	\$158,900.00
5	\$36,800.00	\$61,300.00	<b>\$98,100.00</b>	<b>\$122,600.00</b>	\$147,120.00	\$171,640.00
6	\$41,960.00	\$65,850.00	<b>\$105,350.00</b>	<b>\$131,700.00</b>	\$158,040.00	\$184,380.00
7	\$47,340.00	\$70,400.00	<b>\$112,600.00</b>	<b>\$140,800.00</b>	\$168,960.00	\$197,120.00
8	\$52,720.00	\$74,950.00	<b>\$119,900.00</b>	<b>\$149,900.00</b>	\$179,880.00	\$209,860.00

**(MEDIAN INCOME IS \$79,400.00 FOR MIAMI-DADE COUNTY)**  
**SHIP/SURTAX limited to 140 %** (Subject to periodic revisions by US HUD Effective **April 4<sup>th</sup>, 2024**)  
 (Income and Mortgage Limits REVISED **April 4<sup>th</sup>, 2024**)

**MAXIMUM Subsidy Table**

Percentage of AMI	Up to 140%
Properties within vulnerability areas providing assistance up to:	\$100,000.00
Properties not in vulnerability areas providing assistance up to:	\$80,000.00

Funding Source for all funds	Surtax	SHIP
Income Limit	Low income and moderate-income households at or below 140% of AMI (Area Median Income)	Low income and moderate-income households at or below 140% of AMI (Area Median Income)
Maximum purchase price of property allowed by program (subject to change)	The maximum sales price for borrowers to purchase a home under Miami-Dade County's Affordable Housing Program is subject to approval by the State of Florida licensed First Mortgage Lender.	The maximum sales price for borrowers to purchase a home under Miami-Dade County's Affordable Housing Program is subject to approval by the State of Florida licensed First Mortgage Lender. The funding is provided through the Mortgage Lender's First Time – Homebuyer/Homeownership Program with the HLP.
Purchase Price Limits for Loans	The maximum sales price for borrowers to purchase a home under Miami-Dade County's Affordable Housing Program is subject to approval by the State of Florida licensed First Mortgage Lender.	The maximum sales price for borrowers to purchase a home under Miami-Dade County's Affordable Housing Program is subject to approval by the State of Florida licensed First Mortgage Lender. The funding is provided through the Mortgage Lender's First Time – Homebuyer/Homeownership Program with the HLP.
<b>INFILL PROPERTIES</b>	Effective July 1, 2023, the current Maximum Sales Price pursuant to Miami-Dade County Ordinance 21-80 for homes sold under Miami-Dade Affordable Housing Programs, including Infill is \$394,000 or the Appraised value (the lesser of the two).	Effective July 1, 2023, the current Maximum Sales Price pursuant to Miami-Dade County Ordinance 21-80 for homes sold under Miami-Dade Affordable Housing Programs, including Infill is \$394,000 or the Appraised value (the lesser of the two).

**ALL UNITS MUST MEET THE CRITERIA SUBMITTED TO THE COUNTY IN THE RFA FOR WHICH THEY WERE AWARDED FUNDING (i.e., Purchase price, unit size, number of units, etc.). NO EXCEPTIONS.**



PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

ETHICS DISCLOSURE STATEMENT FOR ALL PHCD PROGRAMS

Applicant: \_\_\_\_\_ Mailing Address: \_\_\_\_\_
Co-Applicant: \_\_\_\_\_ Zip Code: \_\_\_\_\_
E-mail Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

The Miami-Dade County Conflict of Interest and Code of Ethics at Sec. 2-11.1 (c)(5)(5) allows County Employees and their immediate family members to apply for direct housing assistance programs from the County's Public Housing and Community Development department (PHCD) if they meet certain conditions and if the following criteria are met. Check if any of the following applies to you:

- 1. Please mark the PHCD Program you are applying for:
[ ] Section 8 Housing Choice Voucher (HCV) [ ] Public Housing Rental
[ ] Project-Based Voucher (PBV) [ ] Tenant-Based Rental Assistance (TBRA-maximum 2 years)
[ ] Veterans Affairs Supportive Voucher (VASH) [ ] Home-ownership Program (Second Mortgages)
[ ] Moderate Rehabilitation [ ] Home-owner Rehabilitation Program
[ ] Substantial Rehabilitation [ ] Home-owner Beautification Program
[ ] Shelter Plus Care (S+C) [ ] Other (please list): \_\_\_\_\_
2. Mark the type of participation you are seeking for the program marked above:
[ ] Owner/Landlord [ ] Housing Assistance Applicant

3. [ ] I/we do not currently work for Miami-Dade County.
4. [ ] I/we am/are a School Board or Federal Employee. These employees are not covered under Section 2-11.1 of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.
IF YOU MARKED BOXES 3 OR 4, NO FURTHER ACTION IS NEEDED. THE PHCD REPRESENTATIVE MUST PLACE THIS FORM IN APPLICANT'S FILE.

5. [ ] I/we am/are a Miami-Dade County Employee (including Jackson Public Health Trust Employees). Please provide the department and division you are working for: \_\_\_\_\_
6. [ ] I/we am/are an appointed or elected County Official.
7. [ ] I/we am/are immediate family to a Miami-Dade County employee, appointed or elected official. (Immediate family is defined as spouse, domestic partner, parents, stepparents, children and stepchildren. Please provide the following information regarding the Miami-Dade County employee, appointed or elected official:
Name of employee, appointed or elected official: \_\_\_\_\_
Department, Division, or Board: \_\_\_\_\_
IF YOU MARKED BOXES 5, 6, or 7, THE APPLICANT MUST OBTAIN THE REQUEST FOR OPINION (RFO) APPLICATION AT: http://ethics.miamidade.gov/library/forms/county\_emps\_relatives Seeking housing assist 8-15.pdf. THE RFO APPLICATION MUST BE FULLY COMPLETED AND SENT TO THE CONTACT PERSON INDICATED.

Signature of Applicant: \_\_\_\_\_ Signature of Co-Applicant: \_\_\_\_\_
Date: \_\_\_\_\_

Warning: Title 18, US Code Section 1001, states that a person who knowingly and willingly makes false or fraudulent statements to any Department or Agency of the United States is guilty of a felony. State law may also provide penalties for false or fraudulent statements.



ALC/AM/CA/CD/1/62414/V5

## PHCD LOAN DOCUMENTATION CHECKLIST

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**First Mortgage Lender's Name**

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<b>Loan Officer/Processor</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>
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<b>Title Company's Name</b>	<b>Address</b>
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<b>Title Company's Contact Person</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>
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**Borrower's Name**

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**Co-Borrower's Name**

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<b>Current Address</b>	<b>City, State &amp; Zip Code</b>
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<b>Daytime Phone Number</b>	<b>Evening Phone Number</b>	<b>Mobile Phone Number</b>	<b>Email</b>
---------------------------------	---------------------------------	--------------------------------	--------------

**Property Address:** \_\_\_\_\_

**Developer Name/ Project  
Name:** \_\_\_\_\_

**Contact person for  
Inspection:** \_\_\_\_\_

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<b>Name</b>	<b>Phone/Email</b>
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**All documentation listed below, if applicable, must be submitted as part of the lender package. Failure to do so may delay the application process.**

**REQUIRED DOCUMENTATION AT TIME OF PHCD INTERVIEW**

**Fully executed sales contract with at least 60 days remaining before expiring.**

Two (2) years signed and dated Income Tax Returns and W-2's and/or 1099's with all applicable Schedules for all adult and Household Members.

*If applicable:* Award letters for all other income: Social Security pension/retirement/SSI/welfare/disability.

**APPLICANT(S) OFFICIAL PAYCHECK STUBS FOR THE MOST CURRENT 30 DAYS PAY PERIOD. APPLICANT(S) MUST CONTINUE TO MAKE CURRENT OFFICIAL PAYSTUBS AVAILABLE UNTIL LOAN IS APPROVED AND PRIOR TO CLOSING.**

Proof of legal residence: U.S. Citizenship or Permanent Resident Alien Card, INS Employment Authorization, I-94 (Cuban Citizens only). *\*Please Note: Documents must be current at time of application.*

Picture ID (i.e., Driver License, Employment ID, etc.) and Social Security Cards. **(SOCIAL SECURITY CARDS NOT REQUIRED FOR DEPENDENT(S))**

Most current six months bank statement for all accounts including all pages.

Birth Certificate(s) for all household members, Letter from guardianship/adoption (if applicable) and/or School Records.

*If applicable:* Marriage Certificate, All Divorce Decrees and Property Settlement Agreements; Proof of receipt of child support for the prior 12 consecutive months; Provide proof of non-receipt and "good faith" effort to collect and avoid inclusion in annual income figure.

*If applicable:* Third Party Verification of Regular Cash Contribution Letter for non-court ordered child support; If the applicant is not receiving court-ordered child support, a letter from the Department of Revenue, Child Support Enforcement Office is required.

**Recommended** - Certificate of Completion of Homebuyers Training Program. **CERTIFICATE IS GOOD FOR ONE YEAR ONLY.** (HOMEBUYER COUNSELING CERTIFICATE IS PRESENTED AT FACE-TO-FACE INTERVIEW WITH PHCD).

**REQUIRED DOCUMENTATION FROM FIRST MORTGAGE LENDER AT TIME OF SUBMITTAL TO PHCD**

First Mortgage Lender and all other participating Lenders' Commitment Letters.

PHCD Ethics Commission Disclosure Statement for all PHCD Programs

Last two (2) years IRS Transcripts with W – 2 and / or 1099's

Executed 1003 and 1008 (Transmittal Summary), Truth in Lending (TIL) and Good Faith Estimate

Appraisal Long Form – Original with pictures or acceptable electronic color copy

**Copy of Comprehensive Private Home Inspection Report**

**Condo Project Approval, Estoppel Letter, Condo Questionnaire, Condo Budget and Condo Approval Letter (WHEN APPLICABLE INCLUDE THE FORTY (40) YEAR CERTIFICATION OR TEN (10) YEAR RECERTIFICATION WHICH MUST BE FROM MIAMI-DADE COUNTY BUILDING DEPARTMENT OR ITS MUNICIPALITY BUILDING DEPARTMENT. IF THE VALID CERTIFICATION IS NOT INCLUDED IN THE LOAN PACKAGE, IT WILL BE RETURNED TO THE FIRST LENDER/SENDER).**

Last two (2) years Verification of Rent Letter(s) from the Landlord(s).

Copy of Escrow Letter and cancelled deposit check(s).

Current Tri-merged credit report.

Legible Copy of fully executed Sales Contract including Addendum extending Closing Date. **(IF APPLICABLE)**

For FHA Loans **(Executed and Dated Forms HUD 92900 – A, 92900 – LT and 92800 – 5B)** Addendum to Universal Residential Loan Application.

**Please be advised that the purchase contract must contain the below clauses:**

- **Subject to loan approval by Miami-Dade County, Department of Public Housing & Community Development.**
- **HQS (Housing Quality Standard) Inspections for all loans made as part of the Section 8 Housing Choice Voucher Homeownership Program.**

### Miami-Dade County Public Housing and Community Development Conflict of Interest Form

Please check the following item(s) that apply; required to be completed

\_\_\_\_\_ Miami-Dade County employee (including Jackson Public Health Trust Employees)  
(Ethics Opinion must be sought – <http://ethics.miamidade.gov/frequently-used-forms.asp>)

Provide explanation below

\_\_\_\_\_ Relative to Miami-Dade County employee

Provide explanation below

\_\_\_\_\_ Relative to Miami-Dade Board of County Commissioner

Provide explanation below

\_\_\_\_\_ None of the above

Explanation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please be advised that the purchase contract must contain the below clauses:

- Subject to loan approval by Miami-Dade County, Department of Public Housing & Community Development.
- Required for all Section 8 Loans.





## SCHEDULE OF ACCEPTABLE FEES TO BE CHARGED TO APPLICANT

The interest rate to be charged on the first mortgage will be the Freddie Mac, FNMA, or FHA net 30-day rate for 30 years and shall be locked in for a period of at least 60 days. If the loan is not closed within 60 days, the interest rate will be the prevailing rate to be determined not less than 5 days before closing. The rate shall be locked in at the time of loan approval with a "float down" feature if the rates should go down.

The First lenders must immediately inform PHCD of rate changes.

The first lenders do not charge a fee for relocks or extensions

The term of the first mortgage loan shall be 30 years fixed.

The maximum allowable fees to the applicant are as follows:

The fee is set at a maximum of 2% of the first mortgage amount and is the only fee to be charged by the first lender. It should be enough to cover the following costs:

Document Prep Fee	
Tax Service Fee	Prevailing Lender Cost
Flood Certifications	Prevailing Lender Cost
Underwriting Fee	
Processing Fee	
Closing Fee	
Application Fee	
Settlement Fee	
Notary Fee	

Miami-Dade County, PHCD Loan Set-Up Fee (\$100.00) and Origination Fee (\$400.00) must be disclosed and charged on CD's/HUD – 1 Settlement Statement.

**If the lender chooses to disclose these fees as separate line items on the HUD-1 and Good Faith Estimate (GFE), the total of these fees cannot exceed 2% of the first mortgage loan amount. Lenders are not permitted to charge both the 2% origination fee and the fees listed above.**

**Closing Fees are not to exceed \$850.00 for all Mortgages.**

Lenders are allowed to charge the following fees when compliant with the first mortgage loan:

Appraisal Fee	Prevailing Vendor Cost
Credit Report	Prevailing Vendor Cost
Re-certification Fee	\$100.00 Maximum
Final Inspection	\$100.00 Maximum
Roof/Termite Inspection	Prevailing Vendor Cost
Recording Fees	Per State Regulations
Septic Tank Inspection	Prevailing Vendor Cost

*Developer Fees are not permitted to be charged to the applicants.*

**MIAMI-DADE COUNTY  
PUBLIC HOUSING AND COMMUNITY DEVELOPMENT  
SINGLE-FAMILY HOMEOWNER REHABILITATION GUIDELINES**

**LOAN ASSISTANCE PROGRAM GUIDELINES**

**INTRODUCTION**

Miami-Dade County has programs that provide homeowners with low-interest rate loans to assist in making necessary repairs to their home and/or to protect their home with the installation of hurricane shutters or impact windows.

**SCOPE**

These guidelines cover only owner-occupied single-family homes, including cluster, twin, town homes and condominiums. Mobile homes do not qualify.

**DEFINITIONS**

1. Completion of Rehabilitation occurs when all inspections have passed, and all permits have been closed for all the work performed.
2. Disabled: anyone in the household who has proof of disability, regardless of age.
3. Development Disabilities defined in s.393.063, Florida Statutes means a disorder of syndrome that is attributable to retardation. Cerebral Palsy, Autism, Spina Bifida or Prader-Willi Syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.
4. Elderly: an applicant who is  $\geq 62$  years old.
5. Dwelling Unit: a residential space which qualifies as a place of permanent habitation for one family which contains a living room, kitchen area, bathroom(s) and bedroom(s). An efficiency apartment (studio) is considered a one-bedroom unit.
6. Family: an individual or two or more persons related by blood, marriage, adoption, guardianship or operation of law; or are not so related; and may include one or more individuals (who have not attained the age of 18) being domiciled with a parent or another person having legal custody of such individual or the designee of such parent or the person having such custody, with the written permission of such parent or other persons who occupy the same dwelling unit.
7. Income Classifications: These limits shall be adjusted automatically whenever the federal government (U.S. HUD) periodically updates the median income for Miami-Dade County.
  - Very Low income means a family whose gross income is below 50% of the median income for Miami-Dade County.
  - Low income means a family whose gross income is below 80% of the median income for Miami-Dade County.
  - Moderate income means a family whose gross income is greater than 80% and not to exceed 140% of the median income for Miami-Dade County.
8. Owner: the individual(s) who holds valid legal title to the property to be rehabilitated.
9. Owner Occupied: a residential property containing one dwelling unit in which the owner resides on a full-time basis.

10. Rehabilitation: the repair of a structure or facilities in connection with a structure and may include the provision of sanitary or other facilities.
11. Single Family Property: property devoted solely to residential use and consisting of one dwelling.
12. Persons with Special Needs defined in s.420.0004, Florida Statutes: means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition s.420.0004(7); a young adult formerly in foster care who is eligible for service under s.409.1451(5); a survivor of domestic violence as defined in s.741.28; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits.

Disabling Condition defined in s.420.0004 (7), Florida Statutes: means a diagnosable substance abuse disorder, serious mental illness, development disabilities, or chronic physical illness or disability, or the co-occurrence of two or more of these conditions, and a determination that the condition is:

- Expected to be of long-continued and indefinite duration; and
- Not expected to impair the ability of the person with special needs to lay independently appropriate supports.

13. Work Write-Up: the itemization of all rehabilitation work to be done on a property, including such directions and specification for workmanship and materials as may be necessary for the job to be bid and constructed properly and to pass all inspections by Miami-Dade County.

## **LOAN PROGRAMS AND AMOUNTS**

### *Assistance for Condominium Unit Owners/Special Assessments per Use of Surtax Dollars*

This Program will assist owner occupied condominium homeowners with limited finances, address special assessment requirements associated with rehabilitation/repairs as a result of applicable building integrity recertification requirements. Surtax funds will be in the form of a loan and the annual household median income may not exceed the maximum limit of 140% as indicated in the Miami-Dade County income limit chart. Loan terms will be structured to mitigate the financial burden on families while recognizing the need to ensure compliance with the Surtax program.

- The Program will address physical damage to the condominium
- The Program will assist families and or/individual homeowners
- The Program will assist Condominium Properties throughout the County
- The homeowner must reside in the unit and it must be their primary residence and homestead; Investment owners are not eligible for program assistance
- The Program will provide loans up to \$50,000.00 with a repayment term of 40 years
- The monthly payment will be \$50.00 for low-income families with the remaining balance due at Maturity Date
- The monthly payment for moderate income families will be calculated at 0.00% interest rate for 40 years
- Any cash assets exceeding \$50,000.00 must be used for down payment up to 10% of the loan amount
- If the owner sells the property, cash out refinance or ceases to use the home as primary residence, the balance of the loan becomes due and payable
- Upon the death of the owner, the loan shall become due and payable in full unless ownership of the property passes to the heirs of owner and those heirs meet the following criteria: (a) live in the property, (b) earn no more than the maximum percentage AMI funding activity at time of transfer, and (c) execute appropriate documents as required by Miami-Dade County.
- One-time assessment per unit owner
- The rehabilitation funds will be payable to the Condominium Association
- The Condominium Budget and Condo Questionnaire will be required and reviewed

- Mortgage payments and HOA/Maintenance fees must be current
- A description of the work to be done and or the Scope of Work will be required to determine the loan assistance
- Semi-annual reports from the Condominium Association will be required

#### *Surtax and Ship Rehabilitation - Single-Family Funded Programs*

A rehabilitation loan may be made to an eligible applicant for the purpose of fully bringing the property up to current building code and/or to make the home barrier-free for disabled persons. It is used to repair roofs, perform other structural, electrical or sanitation related repairs.

- Surtax Rehabilitation Loan Program  
The maximum total loan amount shall not exceed \$40,000.00 (up to \$50,000.00 if the applicant is Elderly, Disabled, Development Disabilities, Disabling Condition and Special Needs).
- State Housing Initiatives Partnership (SHIP) Program  
The maximum total loan amount shall not exceed \$40,000.00 (up to \$50,000.00 if the applicant is Elderly, Disabled, Development Disabilities, Disabling Condition and Special Needs).

#### *Surtax Beautification Loan Program*

The Beautification Home Loan Program assists homeowners of single-family detached residences with exterior home painting and/or landscaping.

- Surtax Beautification Loan Program  
The maximum total loan amount is subject to funding availability.

#### *Surtax, Paint and Shutter Loan Program*

This program assists low- to moderate- income homeowners with single family detached residences with exterior home painting and/or the installation of hurricane impact shutters approved by Miami-Dade County.

- Surtax Paint/Shutter Loan Program  
The maximum loan amount for paint and shutters combined is \$15,000.00; if the combined amount exceeds \$10,000.00, the homeowner must select paint or shutter assistance.

#### *Eligibility Areas*

- Surtax and SHIP Single-Family Rehabilitation Loan Program- encompasses properties located within Miami-Dade County.
- Surtax Beautification Loan Program  
currently encompasses Commission Districts 1 and 2.
- Surtax Paint/Shutter Loan Program  
encompasses properties located within Miami-Dade County.

All other Beautification Loan Programs encompass properties located within the Commission Districts.

#### *Eligible Properties*

- Surtax and SHIP - Single-Family Rehabilitation Loan Program  
Owner-occupied single-family residences, cluster homes, townhomes, twin homes, manufactured homes (must evidence a Declaration of Condominium documents recorded in the Public records disclosing separate folio numbers), condominium unit (except for common areas). Duplexes, Studios, and Mobile Homes are not allowed.

- Properties with a swimming pool are acceptable on a case-by-case basis except for SHIP funding source. In addition, properties with an efficiency are not allowed regardless of funding source.
- Surtax Beautification Funded Program only allow Single-Family Detached Properties. Paint/Shutters Funded Program allows Single-Family Attached, Detached and Condominiums Properties. Duplexes, Studios and Mobile Homes are not allowed.
- The property must be in need of rehabilitation and may not have any illegal additions and/or any serious building code violations that exceeds the loan amount to bring up to code.
- Property must be free of any foreclosure actions.
- Property cannot be assessed according to the tax rolls at more than \$318,000.00.
- No Tax Deferments.
- Real Estate Taxes must be paid and current.
- If applicable, Association/Maintenance fees must be paid and current.
- If applicable, Mortgage(s) must be paid and current.
- Loan modification must be completed and provide evidence of the last six months of on time modified mortgage payments.
- Adjustable rate, reverse mortgages, balloon mortgages, owner and privately held mortgages are not allowed; except that adjustable-rate mortgages are allowed in the Beautification, Painting and Shutter Loan Programs.
- Lead-Based Paint Inspection required depending on the funding source.
- Environmental Clearance required depending on the funding source.

#### *Applicants for Rehabilitation*

- Applicants must be a U.S. Citizen or have current United States Permanent Legal Resident Status.
- The property must be in Miami-Dade County.
- The applicant must be an individual or family who owns and occupies a single-family residence and the property must be their primary residence, as evidenced by Homestead Exemption at time of application. The amount of the homestead exemption must reflect on Miami-Dade County Property Appraiser Department website.
- Applicant can only apply once for the program per program activity. The maximum number of rehab loans from Miami-Dade County cannot exceed a total of three (3). However, Surtax Rehab loans are limited to a one-time only occurrence per family.
- For SHIP funded loans, applicant must not own more than one property, land or any other real estate; inherited properties with multiple owners owning additional properties will be determined on a case-by-case basis.
- Eligible Contractors are selected from Community Action & Human Services Department (CAHSD) Contractor Rotational List. The selection of contractors is completed through a competitive bid process and awarded to the lowest responsible bidder.
- An applicant must be the legal owner of the property for one year at time of application date; six months for the Beautification and Paint/Shutter Programs.

- Inherited property with multiple owners, life estates, inter-vivos trust or living trust and beneficiary deed will be reviewed on a case-by-case basis. PHCD has the right to establish the terms of assistance; assistance may be provided if the owner is low to moderate income and occupies the property as his or her principal residence; PHCD reserves the right to deny encumbrances that prevent the county from protecting their interest.
- Title Search or a recent review of Recorded Ownership Information.
- Credit Report is required for all Rehab programs. The County has the right to deny assistance based on delinquent and/or derogatory information contained in the credit report.
- Recent FPL and Water Bill is required regardless of the funding source.
- Applicants are required to have property insurance coverage or purchase such insurance coverage after the repairs have been completed. For seniors or very-low-income homeowners the insurance cost should not exceed the market value of the loan.
- Homeowners insurance is not a requirement for the Beautification and Paint/Shutter Loan Program or Disaster Funds.
- Flood insurance is required for SURTAX and SHIP Rehab funded programs (properties defined within the Special Flood Hazard Area).
- Adult(s) residing in the household not receiving income will be required to request a Verification of Non-Filing of Tax Returns from the Internal Revenue Services.
- For SHIP funded loans, Bankruptcy – four (4) years must have elapsed since the date of the discharged bankruptcy. The applicant must have re-established credit or chosen not to incur new obligations. Provide a written explanation that led to the bankruptcy including copies of the discharge with all pages and schedules. All bankruptcies will be reviewed, and a decision will be made on a case-by-case basis.
- Active Debt Consolidated Programs are not allowed; all debts must be satisfied prior to loan application.
- The County reserves the right to deny encumbrances that prevents the County from protecting their interest.
- Total cash assets cannot exceed \$50,000. Retirement accounts for elderly, disabled, developmental disabilities, disabling condition and special needs applicants are not considered assets. Liquid Assets is defined as available cash on hand, or in banks or an instrument that has the capacity to be easily converted to cash. However, for SHIP loans assets in excess of \$5,000 must include the income calculator the greater of (i) the actual income earned on those assets, or (ii) the income calculation using the current LIBOR rate as specified by U.S. HUD.
- Applicant must submit all paperwork requested for financing. (See Attachment II)
- The applicant must be low-or-moderate income person or family and the maximum household income cannot exceed the following chart:

**INCOME AND MORTGAGE LIMITS**

**Adjusted for Family Size**

				<b>Median</b>		
FAMILY SIZE	30%	50%	80%	<b>100%</b>	120%	140%
	< E. LOW	<- V. LOW	<-LOW/MOD >			
1	\$23,850.00	\$39,750.00	<b>\$63,550.00</b>	<b>\$79,500.00</b>	\$95,400.00	\$111,300.00
2	\$27,250.00	\$45,400.00	<b>\$72,650.00</b>	<b>\$90,800.00</b>	\$108,960.00	\$127,120.00
3	\$30,650.00	\$51,050.00	<b>\$81,700.00</b>	<b>\$102,100.00</b>	\$122,520.00	\$142,940.00
4	\$34,050.00	\$56,750.00	<b>\$90,800.00</b>	<b>\$113,500.00</b>	\$136,200.00	\$158,900.00
5	\$36,800.00	\$61,300.00	<b>\$98,100.00</b>	<b>\$122,600.00</b>	\$147,120.00	\$171,640.00
6	\$41,960.00	\$65,850.00	<b>\$105,350.00</b>	<b>\$131,700.00</b>	\$158,040.00	\$184,380.00
7	\$47,340.00	\$70,400.00	<b>\$112,600.00</b>	<b>\$140,800.00</b>	\$168,960.00	\$197,120.00
8	\$52,720.00	\$74,950.00	<b>\$119,900.00</b>	<b>\$149,900.00</b>	\$179,880.00	\$209,860.00

**MEDIAN INCOME IS \$74,700.00 FOR MIAMI-DADE COUNTY)**

**SHIP/SURTAX limited to 140 % (Subject to periodic revisions by US HUD Effective (April 4<sup>th</sup>, 2024)  
(Income and Mortgage Limits REVISED (April 4<sup>th</sup>, 2024)**

*Income Inclusions and Exclusions for Eligibility Purposes for SURTAX/SHIP*

Annual Income Inclusions	Annual Income Exclusions
<p>Annual income inclusions defined under U.S. HUD 24 C.F.R. Section 5.609(b) are listed as follows:</p> <ul style="list-style-type: none"> <li>The gross amount (before any payroll deductions) of wages, salaries, overtime pay, commissions, fees, tips and bonuses, and any other compensation for personal services received by all eligible household members;</li> <li>the net income from the operation of a business or profession;</li> <li>interest, dividends, and other net income of any kind from real or personal property;</li> <li>the full number of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits;</li> <li>payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;</li> <li>welfare or other need-based payments to families or individuals that are made under programs funded separately, or jointly by federal, state or local governments.</li> <li>periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;</li> <li>all regular pay, special pay and allowances of a member of the Armed Forces; and</li> <li>SSI income may be subject to federal restrictions which may limit its use.</li> </ul> <p><i>Note:</i> Surtax allows for income averaging for the past two years for applicants that are self-employed, or earn commission, tips, bonuses, and overtime.</p>	<p>The most common types of excluded annual income include:</p> <ul style="list-style-type: none"> <li>Income from employment of children (including foster children) under the age of eighteen (18) years;</li> <li>payments received for the care of foster children or adults;</li> <li>lump-sum additions to family assets, such as inheritances, insurance payments;</li> <li>reimbursement for the cost of medical expenses for any family member;</li> <li>income of a live-in aide;</li> <li>the full amount of student financial assistance paid directly to the student or to the educational institution;</li> <li>the special pay to a family member serving in the Armed Forces who is exposed to hostile fire;</li> <li>income from training programs funded by HUD;</li> <li>temporary, nonrecurring or sporadic income (including gifts);</li> <li>reparation payments paid by a foreign government to persons who were persecuted during the Nazi era;</li> <li>income from earnings in excess of \$480 for each full-time student eighteen (18) years or older (excluding the head of household and spouse);</li> <li>adoption assistance payments in excess of \$480 per adopted child;</li> <li>deferred payments received in a lump sum;</li> <li>refunds or rebates for property taxes paid on the dwelling unit; or services and equipment needed to keep a developmentally disabled family member at home.</li> </ul>

**Income Inclusions for Credit Purposes**

CREDIT DOCUMENTATION	
Surtax	SHIP
Four (4) most recent Paystubs containing YTD information, if unsatisfactory or unable to provide will require Verification of Employment (valid for (3) three months)	Verification of employment (valid for 90 days from the date received. If the information is orally updated by the source, the VOE will remain in effect for an additional 30 days). Third Party Verification of Employment is required by SHIP, (Attachment III)
Tax returns and W-2 for the previous two (2) years or IRS Form 1722 (which gives the applicant's income and filing status may be requested). Returns must be signed & dated by applicant.	Same as Surtax.
If self-employed year-to-date, profit and loss statement as of the date of application.	Same as Surtax.
Three (3) months of bank statements or bank's computer printout reflecting a balance for each month.	Six (6) months of bank statements or bank's computer printout reflecting a balance for each month
Tri-merged credit report (valid for 3 months)	Same as Surtax.
Verification of Assets – Retirement Account	Same as Surtax.

**FUNDING SOURCES**

**SURTAX Single-Family Rehabilitation Loan Program**

General Population: Non-Elderly, Disabled, Development Disabilities, Disabling Condition and Special Needs:

- If the Total Debt to Income Ratio (TDI) is less than 50%, repayment and terms shall be as follows:
  - 0.00%-3.00% interest rate amortized for 30 years. First payment is due and payable one month after completion of rehabilitation. A Certificate of Completion is required.
- If the Applicant's TDI is more than 50% repayment and terms shall be as follows:
  - 0.00%-3.00% interest rate at a 30-year loan term with a minimum payment of \$50.00 per month. The remaining unpaid balance is due upon Sale, Transfer of Title, Death or whichever occurs first.
  - First payment is due and payable one month after completion of the rehabilitation. A Certificate of Completion is required.

For Elderly, Disabled, Development Disabilities, Disabling Condition and Special Needs:

- 0.00%-3.00% interest rate at a 30-year loan term with a minimum payment of \$50.00 per month. The remaining unpaid balance is due upon Sale, Transfer of Title, Death or whichever occurs first.
- First payment is due and payable one month after completion of rehabilitation. A Certificate of Completion is required.



### **SHIP Single-Family Rehabilitation Loan Program**

General Population: Non-elderly, Disabled, Development Disabilities, Disabling Condition and Special Needs are offered repayment terms dependent upon total debt to income ratio. Specifically, at ratios exceeding 50%, the mortgage term is 15 years with a \$50.00 monthly payment. The remaining unpaid balance is due upon Sale, Transfer of Title or Death. For applicants whose total debt to income ratio is no greater than 50%, the loan term will be 15 years fully amortized at 0.00%-6.00%.

### **Rehabilitation Loan Terms for Elderly, Disabled, Developmental Disabilities, Disabling Condition and Special Needs:**

For Elderly, Disabled, Developmental Disabilities, Disabling Condition and Special Needs population, the mortgage term is 15 years with a \$50.00 monthly payment. The remaining unpaid balance is due upon Sale, Transfer of Title or Death.

First payment is due and payable one month after completion of the rehabilitation. A certificate of completion is required.

The SHIP proceeds repaid to the County will be used by the County for other SHIP assistance. If the proceeds from the sale are insufficient to repay the outstanding SHIP subsidy, the County will recapture whatever proceeds are available after the first mortgage from a private lender (if any) has been repaid.

### **Surtax Beautification Loan Program**

- Deferred loan; the TDTI is not applicable; no monthly payment is required.
- If the owner sells the property, refinances, changes title, ceases to use the home as his primary residence, the balance of the loan shall become due and payable in full by the owner.
- Upon the death of the owner, the loan shall become due and payable in full unless ownership of the property passes to the heirs of owner and those heirs meet the following criteria: (a) live in the property, (b) earn no more than the maximum percentage AMI funding activity at time of transfer, and (c) execute appropriate documents as required by Miami-Dade County.

### **Surtax Paint/Shutter Loan Programs**

- Paint and/or Shutter – Deferred loan; the TDTI is not applicable; no monthly payment is required.
- If the owner sells the property, refinances, changes title, ceases to use the home as his/her primary residence, the balance of the loan shall become due and payable in full by the owner.

***The County reserves the right to restructure loan payments.***

## **LOAN INTEREST RATES**

### **Surtax Single-Family Rehabilitation Loan Program**

The loan interest rate is 0.00%-3.00% for household not exceeding 140% of the AMI.

- If the owner sells the property, refinances, changes title, ceases to use the home as his/her primary residence, the balance of the loan shall become due and payable in full by the owner.
- i. Upon the death of the owner, the loan shall become due and payable in full unless ownership of the property passes to the heirs of owner and those heirs meet the following criteria: (a) live in the property, (b) earn no more than the maximum percentage AMI funding activity at time of transfer, and (c) execute appropriate documents as required by Miami-Dade County.

### **SHIP Single-Family Rehabilitation Loan Program**

The loan interest rate is 0.00%-6.00% for household not exceeding 140% of the AMI.

- If the owner sells the property, refinances, changes title, ceases to use the home as his/her primary residence, the balance of the loan shall become due and payable in full by the owner.
- ii. Upon the death of the owner, the loan shall become due and payable in full unless ownership of the property passes to the heirs of owner and those heirs meet the following criteria: (a) live in the property, (b) earn no more than the maximum percentage AMI funding activity at time of transfer, and c) execute appropriate documents as required by Miami-Dade County.

### **Surtax Beautification Paint/Shutter Loan Program**

The interest rate is 0.00%; household income not to exceed 140% of the AMI.

#### **Security Instruments**

- All loans shall be secured by a mortgage or similar security instrument.
- Any mortgage used as security for a loan may not be transferred or assigned by the owner to another person without the prior written approval by the County.

#### **Security Positions**

- The rehabilitation loan may be subordinate to an existing mortgage if adequate equity is established on the property to be rehabilitated.

## **LOAN PROCESSING AND APPROVAL**

All loans will be processed and underwritten according to the funding activity. All loans shall be reviewed, approved and denied by the PHCD Department Director or his/her designee. A Work-Write Up and Contractor/Homeowner Agreement will be required. The County reserves the right to deny encumbrances that prevent the County from protecting their interest.

## **SUPPLEMENTS**

An additional rehabilitation supplemental loan may be approved by the PHCD Department Director or his/her designee when, during rehabilitation, work items which were not anticipated or are necessitated by change in local codes or ordinances, are subsequently required and the work exceeds the loan amount. The supplemental loan shall not exceed \$10,000. However, in extreme, exceptional and hardship cases this limit may be waived by the PHCD Director or his/her designee.

## **WAITING LIST**

All applications are submitted by homeowners to the Community Action & Human Services Department (CAHSD) and placed on a waiting list on a first-come, first-served basis. When funds become available applicants are selected from the top of the waiting list, the waiting list is maintained by date, the applicant expressing interest in the program. Each time a group of applications are selected from the waiting list, processing priority will be given to elderly and disabled applicants.

## **LOAN SERVICING**

All loans will be serviced by the Loan Servicing unit in Public Housing and Community Development (PHCD). A \$100.00 loan servicing set up fee is required and included as part of the closing costs associated with the loan amount. Loan Fees and Cost are subject to change. Public Housing and Community Development reserves the right to sell the loan if deemed feasible by the Department.

## **LOAN FEES**

All loan fees are included as part of the closing costs associated in the loan amount.

## **EFFECTIVE DATE**

These guidelines take effect October 20<sup>th</sup>, 2023. Any revisions or amendments will modify the effective date accordingly. Any changes/updates to the program requirements for any funding source, will be automatically incorporated into these guidelines.

## REQUIRED DOCUMENTATION

1. Valid Florida Driver's Licenses or State issued ID card for adults only.
2. Warranty or Quit Claim Deed of property.
3. An Ethics Clearance will be required for Miami-Dade County Employee, including Jackson Health Trust Employees, appointed or elected County official and immediate family to a Miami-Dade County employee, appointed or elected County official. The Ethics Clearance will be required upon receipt of application from CAHSD.
4. Last four pay stubs; current retirement, unemployment compensation, social security award letter, pensions, if applicable.
5. Third Party Verification.
6. Copy of social security cards of homeowners.
7. Proof of United States Citizenship or current Permanent Legal Residency.
8. Last three (3) or six (6) months bank statements including all pages and schedules or computer print-out reflecting a balance for each month based on the funding source.
9. Cash Contribution Form (i.e., regular family assistance, alimony, etc.)
10. Mortgage payment must be current and provide copy of mortgage statement; coupons are not acceptable.
11. Birth Certificate(s) on all household members regardless of age; No Birth Cards accepted. Passport and US Passport are not accepted in lieu of Birth Certificate(s).
12. Last 2 years Income Tax Returns including W-2's, all pages and schedules. If Tax Returns reflect business income, provide current profit or loss statement.
13. SSA -1099 Form.
14. Proof of Hazard Insurance, Flood Insurance (if applicable) not required for the Beautification and Paint/Shutters loan programs.
15. Utility Bills (light and water bill)
16. Copy of Discharged Bankruptcy including all schedules and pages.
17. INCOME QUALIFICATION.

Annual income is the gross amount of income anticipated to be received by all adults in a family during the twelve (12) months following the effective date of the income determination.

When calculating income, please note that SHIP funding requires that the anticipated income be based on present income plus any income to be received in the next twelve (12) months. Once the income certification is completed by county staff, and executed by the PHCD administrator or designee, an award letter/commitment letter is issued. The commitment letter is valid for three (3) months. Surtax allows for income averaging for the past two (2) years for applicants who are self-employed; earn commission, tips, bonuses, and overtime.

Florida property laws do not legally recognize separation as it relates to property ownership. Consequently, when an applicant is legally married but does not currently reside with the spouse, the estranged spouse must sign the mortgage and the subsidy recapture provision, and his or her income must be counted as part of the annual household income. This always applies in cases of temporary separation when a spouse does not live in the house due to military service, attendance in college, offshore work, or other instances where a family member is temporarily residing in another location.

In some situations, it seems clear that the applicant has no plan to reunite with the estranged spouse and the separation is permanent. The flexible nature of these programs is intended for local governments to determine the use of funds while ensuring accountability, to make a decision about a permanent separation and to obtain as many details as possible to document the subsidy recipient. In cases of permanent separation, the applicant and the estranged spouse maintain separate residences and file separate tax returns.

The applicant must provide proof of separation by providing copies of the estranged spouse's IRS tax returns, driver's license, legal separation agreement, utility bills, etc. The estranged spouse does not need to be counted in the household size and his or her income should not be included in household income.

## Attachment II

### Additional documentation when applicable:

1. Separated spouse to provide evidence of not occupying the subject property.
2. Self-employed individuals to provide current profit or loss statement.
3. Adult dependents to provide evidence of school transcript or employment.
4. Copy of Divorce Decree including all pages and property settlement agreement. Joint custody: the children live with the parent for fifty percent (50%) of the year; the children should be included as household members.
5. Child support payments; third party verification of regular cash contribution letter for non-ordered child support; if the applicant is not receiving court ordered child support, a letter from the Department of Revenue, Child Support Office is required.
6. Unemployment affidavit.
7. Copy of Death Certificate.
8. Copy of Marriage Certificate.
9. Adoption letter and assistance payments. Court ordered letters of guardianship/adoption will be required if applicant is not the birth parent of household members.
10. Any applicant seeking assistance, requiring assistance from family members or others must execute the PHCD authorization form.
11. School records to reflect the residing address of the property.
12. Copies of Life Insurance policies, if applicable.
13. Any other form of verification as required by funding.