

REGULAR MEETING OF
THE HARTSVILLE/TROUSDALE COUNTY COMMISSION

Lonnie Taylor
Chairman

T. Bubba Gregory
Pro Tempore

Jack McCall
Mayor

Beverly Atwood
Tommy Belcher
Shane Burton
Alan Carman
Grant Cothron

Brian Crook
Will Dennis
Jerry Ford
Chris Gregory
Jeff Gregory

Landon Gulley
Judy Kerr
David Nollner
Lesley Overman

Mark Presley
Amber Russell
David Thomas
Steve Whittaker

MONDAY, NOVEMBER 25, 2024 | 7:00 P.M. | TC COURTHOUSE

Work Session | Monday, November 18 | 7:00 PM | TC Courthouse

AGENDA

- 1. Open Court**
- 2. Invocation** – Will Dennis
- 3. Pledge to the American Flag** – Lesley Overman
- 4. Roll Call** – Rita Crowder, *County Clerk*
- 5. Approval of Minutes**
Minutes of the October 28, 2024 Commission meeting have been distributed.
- 6. Announcements**
- 7. Set the Agenda**
- 8. Citizens' Response to Agenda Items**
*If you wish to speak to the Commission, please sign in at the podium.
You will be called to address the Commission at the proper time.*
- 9. County Mayor Report** – Jack McCall
- 10. Committee/Board Reports**
 - A. First Responders – Nov 6
 - B. Codes & Zoning – Nov 7
 - C. Audit – Nov 12
 - D. Public Works – Nov 14
 - E. Parks & Recreation – Nov 14
 - F. Budget & Finance – Nov 18
 - G. *Other Reports*
- 11. Active Business**
 - A. **Install New Commissioner** – Jeff Gregory District 9
 - B. **Resolutions**
 - 1) **Resolution 2024-19-816** THDA HOME Policies & Procedures
 - 2) **Resolution 2024-20-817** Surplus Vehicle Sheriff to DTF
 - 3) **Resolution 2024-21-818** Broadway Property to State
 - C. **Ordinances**

PUBLIC HEARING & SECOND READING

 - 1) **Ordinance 312-2024-12** Rezoning R2 to R3 (*Front*)

FIRST READING

 - 1) **Ordinance 313-2024-13** Rezone R2 to R3 (*River Valley*)

D. Budget Amendments

FUND 101 – GENERAL SERVICES

101-07G	Grant Funds Carryover: 2022 CDBG & LPRG	\$	104,520
101-08F	SRO Expenses		6,000
101-09	Insurance Recovery: Sheriff		4,315

FUND 111 – URBAN SERVICES

111-03R	Carryover items: Trash Truck, Traffic Lights	\$	497,000
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FUND 141 – SCHOOLS

141-04	Special Education Program	\$	17,063
141-05	Child Care Improvement – Staff Retention Grant		28,000

E. Public Notaries Application Approval

- 12. Other Business**
- 13. Public Comment**
- 14. Adjourn**

MINUTES

OCTOBER 28, 2024 - BE IT REMEMBERED, That the Hartsville/Trousdale County Commission met pursuant to adjournment with the Honorable Lonnie Taylor, Commission Chairman presiding and the following commissioners present to wit: Beverly Atwood, Tommy Belcher, Shane Burton, Alan Carman, Brian Crook, Will Dennis, Jerry Ford, Chris Gregory, T. "Bubba" Gregory, Landon Gulley, Judy Kerr, David Nollner, Lesley Overman, Mark Presley, Amber Russell, David Thomas, and Steve Whittaker.

1. **Open Court** - Sheriff Ray Russell

2. **Invocation** - T. "Bubba" Gregory

3. **Pledge to the American Flag** - Lonnie Taylor

4. **Roll Call** - Rita Crowder, County Clerk - 18 PRESENT, 1 ABSENT

5. **Approval of Minutes**

Motion this court approve the minutes from the previous meeting.

Motion by Jerry Ford, Second by Mark Presley

VOICE VOTE

MOTION CARRIED

6. **Announcements**

- Citizens' Response to Agenda Items - None presented.

7. **Set the Agenda**

Add Mr. Jim Lankford with Spirit Architecture will be updating the committee on the current progress for the plans for the new jail. He will be added to Other Business.

Motion this court set this agenda as amended.

Motion by Chris Gregory, Second by Jerry Ford

VOICE VOTE

MOTION CARRIED

8. **County Mayor Report** - Jack McCall

- Streetscape - we are still waiting on the final sign-off from TDOT; that should be very soon.

- Ward School Grant - entering Phase 2 EPA study. Still waiting for the State to sign the contract.

- Traffic Light at McMurry and Broadway - Mr. Sallee says we are waiting for TDOT to give us a quote on what it will cost to change the traffic pattern to alleviate the congestion.

- City Park - final sign-off on the park completion should be soon

9. **Committee/Board Reports** - *SEE ATTACHED MINUTES*

A. **Public Works** - October 17

B. **Finance Committee** - October 21

C. **Other Reports**

Commissioner David Thomas scheduled a Codes and Zoning meeting for Nov. 7th @ 6:00 pm in the Mayor's office.

10. **Active Business**

A. **Appointments**

1) **Emergency Communications Board**

Tracy Belcher, term Jan. 1, 2025 - Dec. 31, 2028

Jimmy Anthony, term Jan. 1, 2025 - Dec. 31, 2028

Bill Scruggs, term Jan. 1, 2025 - Dec. 31, 2028

Motion this court approve these appointments.

Motion by Brian Crook, Second by T. "Bubba" Gregory

VOICE VOTE

MOTION CARRIED

2) **Board of Equalization**

Ashley Scott, reappointment, 2 year term, effective Sept. 1, 2024

Linda Carey, reappointment, 2 year term, effective Sept. 1, 2024

Eric Holder, reappointment, 2 year term, effective Nov. 1, 2024

Jimmy Crabtree, reappointment, 2 year term, effective Nov. 1, 2024

Motion this court approve these reappointments.

Motion by Amber Russell, Second by Mark Presley

VOICE VOTE

MOTION CARRIED

B. Resolutions

- 1) **Resolution 2024-17-814** ECD Road Names | Buckeye, Five Oak, Jamestown, Lauderdale

Motion this court approve this Resolution.

Motion by Chris Gregory, Second by Landon Gulley

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

- 2) **Resolution 2024-18-815** Committee Assignments

Motion this court approve this Resolution.

Motion by David Thomas, Second by Mark Presley

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

C. Ordinances

PUBLIC HEARING & SECOND READING

- 1) **Ordinance 310-2024-10** Rezoning A1 to R1 (Crenshaw)

- 2) **Ordinance 311-2024-11** Personnel Policy Revisions

Motion this court close the Public Hearing on both Ordinances.

Motion by Landon Gulley, Second by David Thomas

VOICE VOTE

MOTION CARRIED

SECOND READING

- 1) **Ordinance 310-2024-10** Rezoning A1 to R1 (Crenshaw)

Motion this court approve this Ordinance - **2nd Reading**

Motion by Brian Crook, Second by Mark Presley

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

- 2) **Ordinance 311-2024-11** Personnel Policy Revisions

Motion this court approve this Ordinance - **2nd Reading**

Motion by Brian Crook, Second by Shane Burton

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

FIRST READING

- 1) **Ordinance 312-2021-12** Rezoning R2 to R3 (Front)

Motion this court approve this Ordinance- **1st Reading**

Motion by Landon Gulley, Second by Chris Gregory

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

D. Budget Amendments

FUND 101 - General Services

101-03FG	Sheriff POST Salary Supplements	\$	17,300
101-04FG	EMA Salary Supplement	\$	5,726
101-05	Donation to Fire Dept.		50
101-06RG	Senior Center Reserves & Grant		6,500

FUND 111 - URBAN SERVICES

111-02FG	Sheriff POST Salary Supplements	\$	1,842
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FUND 141 - SCHOOLS

141-01	SPARC Grant	\$	78,115.68
141-02	ISM Grant		677,205.73
141-03	Building Maintenance		24,334.17

Motion this court take and approve all Budget Amendments.

Motion by David Thomas, Second by Steve Whittaker

ELECTRONIC VOTE - 18 YES, 0 NO, 1 ABSENT

MOTION CARRIED

E. Public Notaries Application Approval

Rajnish Suri - Core Civic

Greg Lasater - Core Civic

Teresa Stith - Core Civic

Amber Conyea - Core Civic

Fabian Sanders - Core Civic

Tracy Belcher - First National Bank

Brianna Garrett - Carey Brothers

Motion this court approve these notary applications.

Motion by Landon Gulley, Second by Chris Gregory

VOICE VOTE

MOTION CARRIED

11. Other Business

Mr. Jim Lankford, with Spirit Architecture, gave an overview of the work they have been doing on plans for the new jail. He showed a few plans of how the property just purchased by the county could be utilized for the jail. He does recommend that the county try and purchase more land adjoining this property that is located across the street from the current jail. At this point, without a definite location, there is not much more they can do. He suggested holding a workshop so that ideas could be looked at.

12. Public Comment - NONE

13. Adjourn

Motion this court adjourn.

Motion by Jerry Ford, Second by Chris Gregory

VOICE VOTE

MOTION CARRIED

COMMITTEE MINUTES

PUBLIC WORKS COMMITTEE MINUTES

Meeting Date: October 17, 2024, 6 p.m., Trousdale County Courthouse

Present: Bubba Gregory, Chris Gregory, Mark Presley, Alan Carman, Lesley Overman

Others Present: Jerod Mitchell

Chairman Bubba Gregory called the meeting to order.

Minutes of the September 12, 2024 meeting were reviewed. Motion to approve by Overman, second by Presley. Motion approved.

Discussion held on playground update. B. Gregory noted that concrete has been poured for sidewalks, playground is ready for use but noted that public is asked to stay off the straw and dirt areas as they will be sodded with grass.

Jerod Mitchell spoke for Public Works, noting that Director Cliff Sallee was sick. Mitchell said camera lines are ready, piping is buried, still some wires to pull, cameras should be ready in coming days. One 360-degree camera to be placed on pole near basketball court that will cover basketball, tennis courts and roadway. Another camera planned for amphitheater. New cameras should make it easier to catch faces.

Discussion turned to fence posts from old playground. B.Gregory noted that Matt Dockery with Tri-Metal has said he can build a climbing wall that could be placed outside the park and names placed on it and lit up. Sallee will present more info to committee at future meeting. Mitchell has seen wall design, estimated about 1500 posts and 1161 names. At least two posts are too damaged to use, status is unknown. C.Gregory said he liked the idea of the climbing wall, asked about possibility of adding names as committee had discussed previously. B.Gregory said Sallee will have to discuss that at future meeting. Mitchell noted a climbing wall would have matting to keep kids safe. Another option might be cutting down the posts to names only and building something near the bathrooms.

Presley asked about ribbon cutting for playground, B.Gregory was unaware of any plans. Committee noted that county mayor has mentioned plans for this previously.

Discussion turned to pool. B.Gregory has spoken with Sallee, pool 2024 loss numbers should be close to what was presented in September. More discussion on pool to be held at next meeting.

Discussion held on signage. C.Gregory said that Rotary Club would like to replace one sign near West Main/McMurry intersection and add one to "Welcome to Hartsville" sign on other side of town, possibly at entrance to park. Rotary wants to know who to talk to about this. Committee consensus was to speak with county mayor about permission.

B.Gregory noted that previous discussion on trash cans (see September minutes) will defer to new Public Works committee, as this committee will be Parks & Recreation going forward.

C.Gregory asked about update on BlueCross park grant application. B.Gregory said he received email via Amy Thomas from Crystal Justice, saying we should hear by end of 2024 if application is rejected, by February 1, 2025 if Trousdale County is finalist for grant.

No meeting date set for November as of yet.

Public Comment: Mitchell reiterated to community to please stay off dirt and straw areas at playground; also noted that middle bathroom will be closed until cameras are ready so wiring can be placed through there. B.Gregory suggested that someone from committee post on social media noting that playground is open.

Motion to adjourn by Overman, second by Carman. Motion approved.

Minutes presented by Chris Gregory.

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

BUDGET & FINANCE COMMITTEE

OCTOBER 21, 2024 | 6:00 PM | TC COURTHOUSE

MINUTES

Members Present: 5/8

Landon Gulley, Chair

Tommy Belcher

Lesley Overman

Bubba Gregory, Vice Chair**

Jerry Ford

Members Absent: Beverly Atwood, Grant Cothron, Will Dennis

The meeting was called to order at 6:00pm by Chairman Gulley with five members present.

Review Minutes from the September 16 meeting.

Ford made a motion to accept minutes as presented; seconded by Overman.

MINUTES ACCEPTED

Purchasing Report – 1st Quarter 2025

The Purchasing subcommittee reviewed the report for July-September. No concerns were raised.

Gregory made a motion to accept the 1st quarter report as presented; seconded by Ford.

REPORT ACCEPTED

Financial Statements

Committee reviewed the following:

- Trustee Cash Balance Statement – September 2024
- Financial Summaries – September 2024 *25% of budget*

No major concerns were addressed.

Property Taxes are beginning to come in. Should see a large increase in October's reports.

Motion by Overman to accept financial statements as presented; seconded by Ford.

STATEMENTS ACCEPTED

Budget Amendments

FUND 101 – GENERAL FUND

101-03FG	POST Salary Supplements (Sheriff)	\$	17,300
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Grant awarded to the Sheriff Department for POST Commission. This allows for \$800 to be paid to a full-time law enforcement officer for services provided in the 2023 calendar year. The grant covers the supplement, but the local government must provide the benefits (social security, retirement, and Medicare).

101-04FG	Emergency Management Performance Grant	\$	5,726
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Grant awarded to the EMA Director to be used as a salary supplement. The grant covers the supplement, but the local government must provide the benefits (social security, retirement, and Medicare).

Motion by Overman to recommend BA 101-03FG and 101-04FG to the full commission; seconded by Ford.

MOTION CARRIED

101-05	Citizen Donation to Fire Dept	50
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Appropriating an "In Memory Of" donation to the Fire Department. Chief Beeler requested the amount goes towards maintenance of equipment.

Motion by Overman to recommend to the full commission; seconded by Gregory.

MOTION CARRIED

101-06RG	Senior Center Grant & Reserves	\$ 6,500
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GNRC has awarded additional funding to the Senior Center for Staff Development and Exercise chairs and other equipment. Ms. Gregory is also pulling from her dedicated funding for event supplies. Her reserve funds include donations that are specifically set aside for the Senior Citizens Center.

Motion by Overman to recommend to the full commission; seconded by Ford.

MOTION CARRIED

FUND 111 – URBAN SERVICES

111-02FG	POST Salary Supplements (Sheriff)	\$ 1,842
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Grant awarded to the Sheriff Department for POST Commission. This allows for \$800 to be paid to a full-time law enforcement officer for services provided in the 2023 calendar year. The grant covers the supplement, but the local government must provide the benefits (social security, retirement, and Medicare).

Motion by Gregory to recommend to the full commission; seconded by Overman.

MOTION CARRIED

FUND 141 – GENERAL PURPOSE SCHOOL

141-01	SPARC Grant	\$ 78,115.68
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Dr. Satterfield noted that this is a carryover of revenue from the vocational SPARC grant.

Motion by Ford to recommend to the full commission; seconded by Gregory.

MOTION CARRIED

141-02	ISM Grant	\$ 677,205.73
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Dr. Satterfield noted that this is a carryover of revenue from the ISM (Innovative Schools Model) grant that is being used towards the vocational education programs.

Motion by Overman to recommend to the full commission; seconded by Ford.

MOTION CARRIED

141-03	Building Maintenance	\$ 24,334.17
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To offset unexpected maintenance repairs.

Motion by Overman to recommend to the full commission; seconded by Gregory.

MOTION CARRIED

Discussion

Investing. Gulley opened the discussion on investing funds from 171 Capital Projects and 127/128 ARPA. Current CD investments matured mid-October and the Trustee will reinvest \$500,000 for another 6/9 months. Between the remaining ARPA funding and the Capital Projects balance there is roughly \$1,188,000 available to invest for 6 or 9 months. The Trustee will need to be consulted to see if interest can be deposited to the Debt Service fund.

Gulley stepped down from the chair and B. Gregory assumed the chair for the remainder of the discussion.

Motion by Gulley to research investing \$600,000 of Fund 171 Capital Projects and the interest to go to Fund 151 Debt Services and \$400,000 of combined Funds 127 and 128 with the interest returning to the ARPA funds; seconded by Ford. MOTION CARRIED

Public Comment

- *None presented*

Adjourn

*Motion by Overman; second by Ford
Meeting adjourned at 6:53pm*

RESOLUTIONS

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

RESOLUTION #2024-19-816

**RESOLUTION ADOPTING TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA)
HOME PROGRAM POLICIES AND PROCEDURES**

WHEREAS: Hartsville/Trousdale County Metropolitan Government has received funding from the Tennessee Housing Development Agency (THDA) 2024 HOME Program; and

WHEREAS, Hartsville/Trousdale County Government is required by THDA to prepare and adopt written policies and procedures for the operation of said THDA HOME Program.

THEREFORE, BE IT RESOLVED by the Hartsville/Trousdale County Commission that the attached Policies and Procedures as presented by Vantage Consulting Services shall serve as the written policies and procedures utilized by the community for the administration of the FY 2024 Hartsville/Trousdale County THDA HOME Rehabilitation Program.

Motion _____

Motion made by: _____

Electronic Voting

Second motion: _____

YES _____ NO _____ ABSTAIN _____ ABSENT _____

APPROVED:

ATTEST:

Lonnie Taylor
Commission Chair

Rita Crowder
County Clerk

Link for 2024 THDA HOME Program Policies and Procedures:
www.Trousdalecountyttn.gov/THDAHOMEP2024

HOME PROGRAM POLICIES AND PROCEDURES FOR

FY 2024 Hartsville/Trousdale County THDA HOME Rehab Program

1. PURPOSE

This program will make available financial and/or technical assistance for the rehabilitation and reconstruction of eligible, substandard, owner occupied housing units located in the community. Rehabilitation work will correct deficiencies in the eligible homes and make them safe, sound, and sanitary.

2. AUTHORITY

The legal authority of this program comes from the working agreement with Tennessee Housing Development Agency, Public Law 101-625 (National Affordable Housing Act of 1990), as well as State and local laws.

3. PROGRAM RESOURCES

The source of funds for the undertaking of these activities is a grant in the amount of \$ 810,000.00 which has been awarded by Tennessee Housing Development Agency (THDA) through the U.S. Department of Housing and Urban Development Home Investment Partnership Act.

4. APPLICABLE LAWS

- A. The local governing bodies, contractors, subcontractors, vendors and applicants for rehabilitation assistance are required to abide by a number of State and Federal laws, and may be required to sign documents certifying their compliance.
1. Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128 and 24 CFR 92.358).
 2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)(42 U.S.C. 4201-4655), 49 CFR Part 24, and 24 CFR 92.353)
 3. Debarment and Suspension provisions as required by 24 CFR Part 24 and 24 CFR 92.357 and State of Tennessee Procurement Procedures Manual of the Central Procurement Office.
 4. National Environment Policy Act of 1969 (NEPA), 24 CFR Parts 50 and 58, and 24 CFR 92.352.
 5. Equal Opportunity Provisions and Fair Housing, 24 CFR 92.350.
 6. Affirmative Marketing, 24 CFR 92.351.

7. Lead-based Paint Poisoning Prevention Act, 24 CFR 92.355.
8. Conflict of Interest Provisions, 24 CFR 85.36 or 24 CFR 84.42, as applicable, and 24 CFR 92.356.
9. Davis-Bacon Act and Contract Work Hours and Safety Standards Act, and 24 CFR 92.354.
10. Intergovernmental Review of Federal Programs, Executive Order 12372 and 24 CFR 92.359.
11. Drug-Free Workplace, 24 CFR part 24, subpart F.
12. Standard Equal Opportunity Construction Contract Specifications.
13. Certification of Non-segregated Facilities for Contracts over \$10,000.
14. Title VI of Civil Rights Act of 1964 Provisions.
15. Section 109 of Housing and Community Development Act of 1974 Provisions.
16. Section 3 Compliance Provisions.
17. Age Discrimination Act of 1975 Provisions.
18. Section 504 Affirmative Action for Handicapped Provisions.
19. 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
20. And any other Federal requirements as set forth in 24 CFR Part 92, HOME Investment Partnerships Program

5. DRUG-FREE WORKPLACE

- A. The Hartsville/Trousdale County Government (HOME Grantee) will continue to provide a drug-free workplace by
 1. Notifying employees in writing that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the action that will be taken against employees for violation of such prohibition.
 2. Establishing an ongoing drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Grantee's policy of maintaining a drug-free workplace;
 - c. Any drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse

violations occurring in the workplace.

- B.** Providing each employee engaged in the performance of the HOME contract a copy of the notification required in paragraph A(1) above;
- C.** The written notification required in paragraph A (1) above will advise the employee that, as a condition of employment under the HOME grant, the employee will:
 - 1. Abide by the terms of the notification; and
 - 2. Notify the employers in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- D.** Notifying the State in writing, within ten (10) calendar days after receiving notice under D(2) above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal Agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
 - 1. Taking one of the following actions, within thirty (30) calendar days of receiving notice under D(2) above, with respect to any employee who is so convicted:
 - 2. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirement of the Rehabilitation Act of 1973, as amended; or
 - 3. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - 4. Making a good faith effort to continue to maintain a drug-free workplace through implementation of Paragraphs A, B, C, D, E and F above.

6. CONFLICT OF INTEREST

- A.** No person listed in paragraph B may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- B. PERSONS COVERED** – Immediate family members of any local elected official or of any employee or board member of a non-profit agency are ineligible to receive benefits through the HOME program. “Immediate family member” means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.

In addition, the conflict of interest provisions as apply to any person who is an employee, agent, consultant, officer, elected official or appointed official of THDA, the local community or the non-profit agency (including CHDOs) receiving HOME funds, and who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME funds or who

is in a position to participate in a decision-making process or gain inside information with regard to these activities.

C. APPEARANCE OF A CONFLICT OF INTEREST - Grantees must also make every effort to avoid the appearance of favoritism in the eligibility determination process. In those cases where the applicant is otherwise eligible, but there exists the appearance of a conflict of interest or the Appearance of favoritism, the Grantee must complete HO-4A or equivalent in THDA's GMS system (Determination of a Conflict of Interest). If the answer to any of the four questions on the HO-4A form is (Yes) the grantee must submit the HO-4A form and written documentation to THDA that the following procedures have been observed:

1. The Grantee must publish an announcement in the local newspaper concerning the potential for a conflict of interest and request citizen comments.
2. The Grantee's attorney must render an opinion as to whether or not a conflict of interest exists and that no state or local laws will be violated should the applicant receive HOME assistance.
3. The Grantee's elected body must pass a resolution approving the applicant.

7 APPLICANT ELIGIBILITY

A. APPLICANT ELIGIBILITY CRITERIA: The following criteria must be satisfied by all applicants in order to become eligible for a rehabilitation grant:

1. The applicant must be low income as defined by current published HOME Income Limit requirements as adjusted for household size, i.e., below 80% of area median income.
2. The applicant must have been the resident of the property to be rehabilitated for a period of not less than one year and must occupy the property as their principle residence.
3. The applicant's ownership must be in the form of:
 - a. Stick built or qualified modular housing;
 - fee simple title; or
 - a 99-year leasehold; or
 - A life estate. The person with the life estate must have the right to live in the housing for the remainder of his or her life and not pay rent, must be low income, and must occupy the housing as his or her principal residence; or
 - Inherited property with multiple owners not all residing in the housing. The owner- occupant must be low income, must occupy the house as his or her principal residence, and must pay all the costs associated with ownership and maintenance of the housing.
 - b. Manufactured Housing;
 - A certificate of title for the manufactured home to be rehabilitated or

reconstructed free of any encumbrances; and.

- fee simple title for the lot of land where the mobile home is located
4. The title must not have any restrictions or encumbrances that would unduly restrict the good and marketable nature of the ownership interest.
 5. The applicant must voluntarily apply for assistance.
 6. The applicant is encouraged to obtain or maintain a homeowner's insurance policy appropriate for the type and value of the home and adequate to cover the rehabilitated value of the home to be rehabilitated or reconstructed.
 - a. In the event there is no Homeowners policy with an appropriate construction rider in effect during the time of the rehabilitation or reconstruction of the property the Homeowner or General Contractor must obtain a builders risk (or other acceptable risk policy assigning the grantee as an additional insured) for a minimum of the amount needed to cover the full cost of the rehabilitation or reconstruction. This policy must be in effect prior to the beginning of construction and remain in effect until the certificate of occupancy or equivalent has been delivered to the Grantee.
 - If the Builders Risk Policy is obtained by the homeowner for the purpose of complying with the HOME grant the full cost of the policy will be an eligible soft cost billable to the grant. The eligible costs are limited to the period of construction of the project.

8 INCOME ELIGIBILITY

- A. ANNUAL INCOME (GROSS INCOME)** - The State's HOME program uses the income definitions of the Section 8 program to determine the annual income (gross income) used to classify a *household* for purposes of eligibility. Annual income means all amounts, monetary or not, which:
1. Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member;
 2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date. In other words, it is the household's *future or expected* ability to pay rather than its past earnings that is used to determine program eligibility. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period; and
 3. Which are not specifically excluded in paragraph 6.8 (Income Exclusions) below.
 4. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
 5. **MONTHLY GROSS INCOME** - Monthly gross income is Annual Gross Income divided by 12 months.
- B. ASSETS** - In general terms, an asset is a cash or non-cash item that can be converted to cash. There

is no asset limitation for participation in the HOME program. Income from assets is, however, recognized as part of Annual Gross Income. Assets have both a market value and a cash value.

1. **MARKET VALUE** - The market value of an asset is simply its dollar value on the open market. For example, a stock's market value is the price quoted on a stock exchange on a particular day, and a property's market value is the amount it would sell for on the open market. This may be determined by comparing the property with similar, recently sold properties.
2. **CASH VALUE** - The cash value of an asset is the market value less reasonable expenses required to convert the asset to cash, including:
 - a. Penalties or fees for converting financial holdings. Any penalties, fees, or transaction charges levied when an asset is converted to cash are deducted from the market value to determine its cash value (e.g., penalties charged for premature withdrawal of a certificate of deposit, the transaction fee for converting mutual funds, or broker fees for converting stocks to cash); and/or
 - b. Costs for selling real property. Settlement costs, real estate transaction fees, payment of mortgages/liens against the property, and any legal fees associated with the sale of real property are deducted from the market value to determine equity in the real estate.
 - c. Under Section 8 rules, only the cash value (rather than market value) of an item is counted as an asset.
3. **INCOME FROM ASSETS** - The income counted is the actual income generated by the asset (e.g., interest on a savings or checking account.) The income is counted even if the household elects not to receive it. For example, although a household may elect to reinvest the interest or dividends from an asset, the interest or dividends is still counted as income
 - a. The income from assets included in Annual Gross Income is the income that is anticipated to be received during the coming 12 months.
 - To obtain the anticipated interest on a savings account, the current account balance can be multiplied by the current interest rate applicable to the account; or if the value of the account is not anticipated to change in the near future and interest rates have been stable, a copy of the IRS 1099 form showing past interest earned can be used.
 - Checking account balances (as well as savings account balances) are considered an asset. This is a recognition that some households keep assets in their checking accounts, and is not intended to count monthly income as an asset. Grantees should use the average monthly balance over a 6-month period as the cash value of the checking account.
 - b. When an Asset Produces Little or No Income:
 - If the family's assets are \$5,000 or less, actual income from assets (e.g., interest on a checking account) is not counted as annual income. For example, if a family has \$600 in a non-interest bearing checking account, no actual income would be counted because the family has no actual income from assets and the total amount of all assets is less

than \$5,000.

- c. If the family's assets are greater than \$5,000, income from assets is computed as the greater of:
 - actual income from assets, or
 - calculate income from assets based on a passbook rate applied to the cash value of all assets. For example, if a family has \$3,000 in a non-interest bearing checking account and \$5,500 in an interest-bearing savings account, the two amounts are added together. Use the standard passbook rate to determine the annual income from assets for this family.
- d. Applicants who dispose of assets for less than fair market value (i.e., value on the open market in an "arm's length" transaction) have, in essence, voluntarily reduced their ability to afford housing. Section 8 rules require, therefore, that any asset disposed of for less than fair market value during the 2 years preceding the income determination be counted as if the household still owned the asset.
- e. The value to be included as an asset is the difference between the cash value of the asset and the amount that was actually received (if any) in the disposition of the asset (less any fees associated with disposal of property, such as a brokerage fee).
- f. Each applicant must certify whether an asset has been disposed of for less than fair market value. Assets disposed of for less than fair market value as a result of foreclosure, bankruptcy, divorce or separation is not included in this calculation.
- g. These procedures are followed to eliminate the need for an assets limitation and to penalize people who give away assets for the purpose of receiving assistance or paying a lower rent.

4. ASSETS INCLUDE:

- a. Amounts in savings accounts and six month average balance for checking accounts.
- b. Stocks, bonds, savings certificates, money market funds and other investment accounts.
- c. Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset. *DO NOT INCLUDE EQUITY OF PRINCIPAL RESIDENCE AS AN ASSET FOR HOMEOWNER REHABILITATION PROGRAMS.*
- d. The cash value of trusts that are available to the household.
- e. IRA, Keogh, and similar retirement savings accounts, even though withdrawal would result in penalty.
 - The "cash value" of an asset is the market value less reasonable expenses that would be incurred in selling or converting the asset

to cash, such as the following:

- Penalties for premature withdrawal;
 - Broker and legal fees; and
 - Settlement costs for real estate transactions
- The current value of the asset (the value of the 401K or other Individual retirement account minus any penalty (usually 10% to 15%) they would incur for drawing early from it) at the time of verification and multiply that by the passbook.
- NOTE: unrealized gains ARE included as part of the current asset value but are NOT themselves considered income.
- f. Contributions to company retirement/pension funds that can be withdrawn without retiring or terminating employment.
- g. Assets which, although owned by more than one person, allow unrestricted access by the applicant.
- h. Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.
- i. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
- j. Cash value of life insurance policies.
- k. Assets disposed of for less than fair market value during two years preceding certification or recertification.
- ASSETS DO NOT INCLUDE:
 - Necessary personal property, except as noted under paragraph 6.5(9) (Assets Include) above
 - Interest in Indian Trust lands
 - Assets that are part of an active business or farming operation.
 - NOTE: Rental properties are considered personal assets held as an investment rather than business assets unless real estate is the applicant/tenant's main occupation.
 - Assets not accessible to the family and which provide no income to the family.
 - Vehicles especially equipped for the handicapped.

- Equity in owner-occupied cooperatives and manufactured homes in which the family lives.

B. INCOME INCLUSIONS - The following are used to determine the annual income (gross income) of an applicant's household for purposes of eligibility:

1. The full amount, before any payroll deductions, of wages and salaries, over-time pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income for operation of a business or profession including rental property. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) above. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the family has net family assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from net family assets or a percentage of the value of such Assets based on the current passbook saving rate, as determined by HUD.
4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except Supplemental Security Income (SSI) or Social Security).
5. Payments in lieu of earnings, such as unemployment, worker's compensation and severance pay (but see paragraph (3) under Income Exclusions).
6. Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
8. All regular pay, special pay and allowances of a member of the Armed Forces. (See paragraph (8) under Income Exclusions).

C. INCOME EXCLUSIONS - The following are excluded from a household's income for purposes of determining eligibility:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family), who are unable to live alone;
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except for payments in lieu of earnings – see paragraph (5) of Income Inclusions).
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide;
6. Certain increases in income of a disabled member of the family residing in HOME assisted housing or receiving HOME tenant-based rental assistance (see 6.12 (7) under Determining Whose Income to Count).
7. The full amount of student financial assistance paid directly to the student or to the educational institution;
8. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
9. Temporary, nonrecurring or sporadic income (including gifts);
10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. For public housing only, the earnings and benefits to any family member resulting from participation in a program providing employment training and supportive accordance with the Family Support Act of 1988, Section 22 of the 1937 Act, or any comparable federal, state or local law during the exclusion period.
14. Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.

15. Amounts received by the family in the form of refunds or rebates under state or local law from property taxes paid on the dwelling unit.
16. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions apply.
 - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977;
 - b. Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA; Retired Senior Volunteer Program, Foster Grandparents Program, youthful offenders incarceration alternatives, senior companions);
 - c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a));
 - d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 259e);
 - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
 - f. Payments received under programs funded in whole or in part under the Job Training Partnership Act;
 - g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians;
 - h. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of Interior (25 U.S.C. 117)
 - i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
 - j. Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f)).
 - k. Any earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments;
 - l. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other funds established pursuant to the settlement in the In Re Agent Orange product liability litigation MDL No. 381 (E.D.N.Y.)
 - m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)

n. Payments received under the Maine Indian Claims Settlement Act of 1980.

D. INCOME EXCLUSIONS - The following are excluded from a household's income for purposes of determining eligibility:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family), who are unable to live alone;
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except for payments in lieu of earnings – see paragraph (5) of Income Inclusions).
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. For homeowner rehabilitation projects, the date assistance is provided is the date of the rehabilitation contract.
6. For homeownership programs, the income eligibility of the families is timed as follows:
7. In the case of a contract to purchase existing housing, it is the date of the purchase;
8. In the case of a lease-purchase agreement for existing housing or for housing to be constructed, it is the date the lease-purchase agreement is signed; and
9. In the case of a contract to purchase housing to be constructed, it is the date the contract is signed.

E. INCOME VERIFICATION - Grantees must verify and retain documentation of two (2) months of income information for each person in the household to determine the household's income. Under the Section 8 Program, there are three forms of verification which are acceptable: third-party, review of documents, and applicant certification.

1. THIRD-PARTY VERIFICATION - Under this form of verification, a third party (e.g., employer, Social Security Administration, or public assistance agency) is contacted to provide information. Although written requests and responses are generally preferred, conversations with a third party are acceptable if documented through a memorandum to the file that notes the contact person and date of the call.
 - a. To conduct third-party verifications, a Grantee must obtain a written release from the household that authorizes the third party to release required information.
 - b. Third-party verifications are helpful because they provide independent verification of information and permit Grantees to determine if any changes to current circumstances are anticipated. Some third-party providers may, however, be unwilling or unable to provide the needed information in a timely manner.
2. REVIEW OF DOCUMENTS - Documents provided by the applicant (such as pay stubs, IRS returns, etc.) may be most appropriate for certain types of income and can be used as

an alternative to third-party verifications. Copies of documents should be retained in project files.

Grantees should be aware that although easier to obtain than third-party verifications, a review of documents often does not provide needed information. For instance, a pay stub may not provide sufficient information about average number of hours worked, overtime, tips and bonuses.

3. APPLICANT CERTIFICATION - When no other form of verification is possible, a certification by the applicant may be used. For example, it may be necessary to use an applicant certification for an applicant whose income comes from "odd jobs" paid for in cash.

Applicant certification is the least reliable form of verification and may be subject to abuse. In some cases, the applicant certification can be supplemented by looking at the applicant's past history. The Grantee can review the previous year's income tax return to determine if the current year's income is consistent with activity for the previous year.

F. CALCULATION METHODOLOGIES - Grantees must establish methodologies that treat all households consistently and avoid confusion.

1. It is important to understand the basis on which applicants are paid (hourly, weekly or monthly, and with or without overtime). An applicant who is paid "twice a month" may actually be paid either twice a month (24 times a year) or every two weeks (26 times a year).
2. It is important to clarify whether overtime is sporadic or a predictable component of an applicant's income.
3. Annual salaries are counted as Annual Income regardless of the payment method. For instance a teacher receives an annual salary whether paid on a 9- or 12-month period.

G. DETERMINING WHOSE INCOME TO COUNT - Knowing whose income to count is as important as knowing which income to count. Under the Section 8 definition of income, the following income *is not counted*:

1. INCOME OF LIVE-IN AIDES - If a household includes a paid live-in aide (whether paid by the family or a social service program), the income of the live-in aide, regardless of its source, is not counted. (Except under unusual circumstances, a related person can never be considered a live-in aide);
2. INCOME ATTRIBUTABLE TO THE CARE OF FOSTER CHILDREN - Foster children are not counted as family members when determining family size to compare with the Income Limits. Thus, the income a household receives for the care of foster children is not included; and
3. EARNED INCOME OF MINORS - Earned income of minors (age 18 and under) is not counted. However, unearned income attributable to a minor (e.g., child support, AFDC payments, and other benefits paid on behalf of a minor) is counted.
4. TEMPORARILY ABSENT FAMILY MEMBERS - The income of temporarily absent family members is counted in Annual Income - regardless of the amount the absent family member contributes to the household. For example, a construction worker earns

5. \$600/week at a temporary job on the other side of the state. He keeps \$200/week for expenses and sends \$400/week home to his family. The entire \$600/week is counted in the family's income;
6. ADULT STUDENTS LIVING AWAY FROM HOME - If the adult student is counted as a member of the household in determining the Income Limit used for eligibility of the family, the student's income must be counted in the family's income. Note, however, that the \$480 limit does not apply to a student who is head of household or spouse (their full income must be counted); and
7. PERMANENTLY ABSENT FAMILY MEMBER - If a family member is permanently absent from the household (e.g., a spouse who is in a nursing home), the head of household has the choice of either counting that person as a member of the household, and including income attributable to that person as household income, or specifying that the person is no longer a member of the household.
8. PERSONS WITH DISABILITES – During the annual recertification of a family's income, increases in the income of a disabled member of qualified families residing in HOME assisted housing or receiving HOME tenant- based rental assistance is excluded. 24 CFR 5.61(a) outlines the eligible increases in income. These exclusions from annual income are of limited duration. The full amount of increase to an eligible family's annual income is excluded for the cumulative 12-month period beginning on the date the disabled family member is first employed or the family first experiences an increase in annual income attributable to the employment. During the second cumulative 12-month period, 50 percent of the increase in income is excluded. The disallowance of increased income of an individual family member who is a person with disabilities is limited to a lifetime 48-month period.

9 ELIGIBILITY REQUIREMENTS OF PROPERTY TO BE REHABILITATED

A. DEFINITIONS - The following are definitions of the various terms used with respect to eligibility requirements of the property to be rehabilitated.

1. DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
2. SINGLE FAMILY - A housing unit consisting of living, sleeping, bathing, and food preparation designed for single-family use, although more than one family may be residing therein, if every occupant has access to all areas within the building envelope.
3. SUBSTANDARD - A housing unit failing to meet all applicable codes, rehabilitation standards ordinances, and zoning ordinances as set forth by the Community, UPCS as defined by HUD, or as defined by the HOME application.

B. ELIGIBILITY CRITERIA

1. The minimum HOME expenditure per unit must exceed \$1,000.
2. The maximum HOME expenditure may not exceed the current published maximum subsidy limit as established and published by HUD for the HOME program at the time the

¹ Annual Income Limit Figures available from HUD/THDA

2. NUMBER IN HOUSEHOLD

1 Person Household	5 Points
2 Person Household	10 Points
3 Person Household	15 Points
4 Person Household	20 Points
5 Person Household	25 Points
6 Person Household	30 Points
7 Person Household	35 Points
8 Person Household	40 Points

3. NUMBER OF ELDERLY

10 Points per person

For each household member at least 62 years old at the time of application

4. NUMBER OF HANDICAPPED/DISABLED

10 Points per person

Household member receiving disability benefits from Social Security, a pension program, life insurance program, or a total or partial physical impairment which renders the person unable to work. Where there exists reasonable question, a doctor's certification will be used.

5. HEAD OF HOUSEHOLD

10 Points

This is a single head of household (male or female) with children under 18, or a dependent with severe developmental disabilities or severe dementia. This does not apply to a widow/widower living alone.

6. NUMBER OF PERSONS 18 OR YOUNGER

10 Points per person

7. CONDITION OF THE DWELLING STRUCTURE

Standard Dwelling No Points

- A standard dwelling is a home with very few or no cosmetic flaws. No structural or major systems that are damaged, deteriorated or non-functioning and a minimum of one of more code deficient items.

Substandard Dwelling 15 to 29 Points

- A substandard dwelling is a home with a few cosmetic flaws, no structural flaws, and 1 or more major systems that are deteriorated or not functioning properly with a minimum of 1 or more code deficient items.

Dilapidated Structure 30 to 50 Points

- A Dilapidated Structure is a home with multiple cosmetic flaws, some structural flaws, but functioning and has multiple major systems that are non-functioning as designed with multiple code deficient items.

Life Threatening

50 Points

- A Life Threatening Structure is a home with multiple cosmetic flaws, structural flaws caused by deterioration, rotting, or wood destroying insects. There are multiple major systems that do not work, causing an unsafe structure for life, and health, such as no water, sewer or electric systems. This home could collapse or be destroyed by a major event of weather or man-made activity such as fire and is likely qualified for condemnation.

11. TERMS, CONDITIONS AND CONSIDERATIONS FOR GRANTS

A. DETERMINATION OF THE AMOUNT OF THE GRANT - The amount of a rehabilitation or reconstruction grant that an applicant may receive will not exceed:

1. The actual and approved cost of the repairs and improvements necessary to make the dwelling conform to the housing standards adopted by the Grantee and THDA.
2. The amount and structure of the grant must be consistent with the application submitted to THDA.
3. When the applicant is furnishing supplementary funds from other sources, evidence that actual funds are available will consist of verification and documentation by the Grantee that the applicant has deposited the required amount in the appropriate escrow account. Such deposit must be made before the grant application and any construction work can begin.

B. STRUCTURE OF FINANCIAL ASSISTANCE - HOME funds are used to make forgivable grants to property owners to cover the full cost of the needed rehabilitation or reconstruction work.

1. To prevent homeowners from simply selling the property and profiting from the HOME funded improvements, the owners must repay the program if they sell the property within the compliance period. Part of the owner’s obligation is forgiven each year they live in the rehabilitated unit.
2. Repayment of the REHABILITATION grant over a five year affordability period shall be based on a twenty percent (20%) reduction of the amount to be repaid per full year with amounts of less than one year being prorated by days used, according to the following schedule:

Year One	100% Repayment
After one year	80% Repayment
After two years	60% Repayment
After three years	40% Repayment
After four years	20% Repayment
During Year five	0% Repayment

3. Repayment of the RECONSTRUCTION grant over a fifteen year affordability period shall be based on a six and 67/100 percent (6.67%) reduction of the amount to be repaid per full year with amounts of less than one year being prorated by days used, according to the following schedule:

Year One	100% Repayment
Year Two	93.3% Repayment
Year Three	83.63% Repayment
Year Four	79.96% Repayment
Year Five	73.29% Repayment
Year Six	66.62% Repayment
Year Seven	59.95% Repayment
Year Eight	53.28% Repayment
Year Nine	46.61% Repayment
Year Ten	39.94% Repayment
Year Eleven	33.27% Repayment
Year Twelve	26.60% Repayment
Year Thirteen	19.93% Repayment
Year Fourteen	13.26% Repayment
After fourteen years	6.59% Repayment
During Year Fifteen	Prorated Balance Repayment

4. The property owner must sign a Grant Agreement, Grant Note and a Deed of Trust. The Deed of Trust secures the Grant Note by placing a lien against the property and is activated if the owner attempts to sell within the compliance period.
- a. If ownership of the property is in the form of a life estate, all owners of the property as well as the person with the life estate must sign the Grant Note and the Deed of Trust.
 - b. If the property has been inherited by multiple owners not of whom reside in the property, all of the owners must sign the Grant Note and Deed of Trust.
 - c. Grantees and administrators should consult their agency or community general counsel if there are questions.
5. In cases of death, THDA does not require repayment as long as the ownership of the property passes to the heirs. The heirs may occupy the unit, rent it or let it sit empty, without triggering the repayment clause. However, if the heirs sell the property, or if the property is sold with monetary gain by any actions of a court to settle outstanding claims or settle the estate, the grant must be repaid to THDA, less any forgivable portion.

C. OTHER GRANT CONDITIONS - Specific terms and conditions are incorporated in the grant application and the contract documents. The applicant agrees to:

1. Allow inspection by the Grantee and/or THDA of the property whenever the Grantee and/or THDA determines that such inspection is necessary.
2. Furnish complete, truthful and proper information as needed to determine eligibility for receipt of grant money.
3. Permit the contractor to use, at no cost, reasonable existing utilities such as gas, water and electricity which are necessary to the performance and completion of the work.
4. Cooperate fully with the Grantee and the contractor to insure that the rehabilitation work will be carried out in a timely manner. Provide a safe, secure, and non-hostile environment.

12. ELIGIBLE REHABILITATION ACTIVITIES

- A. INTRODUCTION** - A rehabilitation grant may be made only to cover the cost of rehabilitation necessary to make a dwelling unit conform to the UPCS and applicable code adopted by the jurisdiction in which the property is located and consistent with the application submitted to THDA.
1. **REHABILITATION:** The maximum allowable HOME funds per Homeowner Rehabilitation unit are capped by the HOME subsidy limits, which are established by HUD and cannot be exceeded.
 2. All units built prior to 1978 require a lead-based paint (LBP) inspection. If hazards are identified, a risk assessment by a qualified risk assessor is required. If the risk assessment of a pre-1978 unit discloses no lead, then the cap for rehabilitation costs is capped by the HOME subsidy limit.
 3. If the risk assessment for a pre-1978 unit reveals the presence of lead-based paint and the estimated rehabilitation costs are less than \$25,000, interim control/lead safe-work practices will apply and the maximum HOME subsidy for rehabilitation hard costs is limited to \$25,000.
 4. If the risk assessment for a pre-1978 unit reveals the presence of lead-based paint and the estimated rehabilitation costs exceed \$25,000, then abatement using a qualified abatement contractor and will be required to provide assistance up to the HOME subsidy limits.
 5. Manufactured units are eligible for HOME-funded rehabilitation including reconstruction.
- B. RECONSTRUCTION HOUSING** – Prior to authorizing new dwellings under the “Reconstruction” provisions of the HOME program, the Grantee must determine if reconstruction is the more cost effective use of HOME funds. The offer by the Grantee to reconstruct a home is a voluntary offer.
1. When reconstruction is recommended, a completed HO-7 or entry of equivalent information in THDA’s GMS management system, along with required supporting documentation and photographs, must be submitted to THDA for review. If THDA concurs with the determination, written permission to proceed will be provided.
- C. REPLACEMENT HOME GUIDELINES** – The intent of a reconstruction activity is to provide assistance to homeowners who might not otherwise be helped due to the prohibitive cost of rehabilitating their existing home. A replacement home, if deemed the most cost-effective solution

to the housing deficiencies, shall be prescribed by the grantee.

1. Rehabilitation spending beyond seventy five percent of the pre-determined after Rehabilitation Value on an existing home is not authorized if a replacement home is refused by the homeowner without prior written approval. THDA may grant a waiver of this provision on a case by case basis where removal of the existing structure would cause undue emotional hardship to the homeowner, negatively impact the architectural character of the neighborhood or have a negative impact on the historic designation of the structure or neighborhood.
2. A replacement home does not necessarily have to meet the same requirements as the existing home in terms of square footage, number of bedrooms/ bathrooms or other design/ amenity considerations.
3. The replacement home must provide all permanent residents of the home with safe, decent and sanitary housing within the terms of the 2018 International Residential Code for One- and Two-Family Dwellings, and/or local codes, as applicable.

D. ELIGIBLE COSTS

1. **EXISTING CODE VIOLATIONS** - Costs which can be included in rehabilitation grants are the costs of correcting existing housing code violations which have been determined by a qualified project inspector and formalized in an individualized housing report.
2. **INCIPIENT CODE VIOLATIONS** - An incipient violation exists if at the time of inspection an element in the structure which, due to age, deterioration, wear, or normal usage will deteriorate within the life of the grant period and thus become a code violation. Costs to correct these potential violations are eligible costs.
3. **PERMITS AND FEES** - Rehabilitation funds may be used to cover the cost of building permits and related fees required to carry out the proposed rehabilitation work. However, since the rehabilitation contract documents will require the contractor to pay them, these costs ordinarily would be included in the contract amount. Recording and filing fees are eligible costs.
4. **EQUIPMENT** - Rehabilitation funds may provide for the repair or purchase and installation of certain basic equipment necessary for the maintenance of the household in a safe, decent, sanitary condition, and in good repair. These include such items as a furnace, water heater, electrical and sanitary fixtures, kitchen range, refrigerator, dish washer, cabinets and sinks. Purchase and installation is acceptable if there is no such equipment in the dwelling or if the existing equipment is unsafe, unsanitary or non-functional. There is a \$1,000 maximum expenditure (including taxes and delivery) for a kitchen range, a \$650 maximum expenditure (including taxes and delivery) for a dishwasher, a \$1000 maximum expenditure (including taxes and delivery) for a refrigerator. These appliances must be Energy-Star rated where available.
5. **HANDICAPPED** - Special alterations or costs related to making the dwelling more convenient or accessible for physically challenged persons are eligible costs. All work performed in these units must comply with all applicable codes as well as all Federal and State regulations.
6. **LEAD-BASED PAINT** - All costs associated with the reduction of lead-based paint hazards must comply with 24 CFR 92.355.

7. **DEMOLITION OF EXISTING STRUCTURES AND UTILITY CONNECTIONS** All costs related to the demolition of existing structures and to provide utility connections are to comply with 24 CFR 92.206(a)(3). Demolition is only eligible if it is a part of a HOME reconstruction project or for the removal of an unsafe addition or out building, on the same lot, associated with either a HOME reconstruction or rehabilitation project.
8. **EXTERIOR PAINTING** - Exterior painting is an eligible cost when it is necessary to maintain a weatherproof exterior on the dwelling.
9. **GUTTERS** – Gutters are an eligible cost when rehabilitating the exterior of a unit or when reconstructing a unit.
10. **OTHER COSTS** - Rehabilitation costs not specifically required by the housing rehabilitation standards found necessary to be decent, safe, sanitary, and in good repair for the general welfare of the occupants of the structure may be considered for eligibility, with prior consent of the Grantee's governing body and THDA, as well as any other cost as outlined in 24 CFR 92.206.

E. INELIGIBLE COSTS

1. Renovation of dilapidated out buildings.
2. Appliances not specifically listed in eligible costs or required by code standards.
3. Materials, fixtures, equipment, or landscaping of type or quality that exceeds that customarily used in the locality for properties of the same general type as the property to be rehabilitated.
4. All items outlined in 24 CFR 92.214.

<p>13. HOUSING REHABILITATION SPECIFICATIONS</p>

A. INTRODUCTION - This section sets forth the responsibilities of the Grantee for determining the rehabilitation work necessary to bring a dwelling into compliance with the UPCS and applicable code adopted by the State, county or city and with the objective of the program as proposed in the application submitted to THDA. The Grantee will:

1. Inspect the property and prepare an inspection list noting UPCS and code deficiencies.
2. Conduct lead-based paint testing/risk assessment to identify lead-based paint hazards.
3. Conduct Termite Testing, except on houses that will be reconstructed, and identify any termite presence, damage or risk.
4. Consult with and advise the owner of the work to be done and the availability of a rehabilitation grant.
5. Prepare a work write-up and cost estimate as a basis for the rehabilitation grant and for the bid process in contracting for rehabilitation work and lead-paint hazard reduction activities.

B. PROPERTY REVIEWS – The THDA approved Rehab Coordinator must conduct: (1) an

initial review of the property to determine the deficiencies that must be addressed, (2) a minimum of a 50% progress review to monitor construction progress and (3) a final review to certify that work is completed in accordance with the approved work write up and any applicable change orders. In addition, a final codes inspection must be conducted by a state certified residential building code official. A certificate of compliance by the local codes official or representative of the State Fire Marshal's Office must be submitted to THDA with the Rehab Coordinator's final property review.

C. WORK WRITE-UP AND COST ESTIMATE - The work write-up and cost estimate is a statement based on the initial inspection, termite inspection and lead-based paint testing/risk assessment. It itemizes separately all the rehabilitation work and the lead hazard reduction activities to be done on the dwelling and includes an estimate of the cost of each item. The cost estimate will be reasonable, reflect prevailing labor and material costs, and reflect a reasonable profit & overhead costs for the contractor. The work write-up and estimate must be reviewed and approved by THDA before presenting it to the homeowner/applicant.

1. DUAL-USE OF WORK WRITE-UP & COST ESTIMATE (HO-6A) or HO-6B or equivalent in THDA's GMS system_- The work write-up will be detailed and specific in style. Each item will be identified as correcting a UPCS and/or code violation, meeting a code requirement, reducing lead-based paint hazards, or as an eligible cost under the grant. This same work write-up with the cost estimate removed will serve as part of the scope of work and specifications for the construction bidding and contract documents.

2. ITEMIZING COSTS_- Each item, definable feature of work and its estimated cost will be identified in the work write-up as either correcting a UPCS deficiency, meeting a code requirement, reducing lead-based paint hazards, or another eligible cost under the grant. This will be done on the work write-up by entering the cost estimates in a columnar arrangement.

3. OWNER PREFERENCE - A work write-up need not contain details that have no significant effect on cost. The term "to be selected by owner" may be used appropriately.

D. CONSULTATION WITH HOMEOWNER/APPLICANT - The Grantee will consult with the prospective applicant on the work write-up and cost estimate. The Grantee will advise the applicant that only work that is directed toward correcting a UPCS and code violation, meeting a code requirement, or that is an eligible activity can be funded by the grant. The homeowner must understand that "cosmetic only improvements" are not eligible for funding. The final work write-up (without costs) will be used by contractors for determining their bids and incorporated into the rehabilitation contract documents which the homeowner and contractor will sign. The homeowner should initial each page and sign the last page of the write-up.

E. CLEARLY WRITTEN SPECIFICATIONS - The work write-up will be written so that it provides a clear detailed understanding of the nature and scope of the work to be done and a basis for carefully determined bids and proposals from contractors. The homeowner shall have a clear understanding of the nature and scope of the work to be done and any limitations that may exist.

1. Each specification will show the nature and location of the work and the quantity and type of material required. The specifications are to comply with THDA's Minimum Design Standards for New Construction, Reconstruction & Rehabilitation of Single Family, Manufactured & Multifamily Housing Units.

2. The specifications will refer to manufacturer's brand names or association standards

to identify quality of material and equipment, and may make provision for acceptable substitutes of equal or greater value or quality and brand name requirements may be included in the “General Conditions and Specifications” and indicated by reference in the work write-up.

14. CONTRACTING FOR REHABILITATION WORK

- A. INTRODUCTION** - This section sets forth requirements and procedures with respect to the construction contracts for housing rehabilitation financed through a rehabilitation grant. Rehabilitation work will be undertaken only through a written contract between the contractor and the property owner receiving the grant.
1. **FORM OF CONTRACT** - The construction contract will consist of a single document signed by the contractor and the property owner, following approval of the grant application. It will contain a bid, the Grantee’s General Conditions and Specifications by reference, the work write-up which specifies the work to be done, and the existing UPCS and code violations.
 2. **USE OF ALTERNATES** - The document prepared by the Grantee may contain alternates by which each bidder may increase or decrease the lump sum contract price, if the alternates are later accepted as part of the work to be performed.
 3. **PROCUREMENT OF BIDS** - The Grantee will adhere to all federal, state and local procurement requirements including advertising openly and publicly for bids and encouraging minority and female owned firms to bid on its projects.
- B. GENERAL CONDITIONS** - The bid package will contain the following:
1. The address, time and date by which the bid should be submitted by the contractor.
 2. A provision that the bid be accepted by the homeowner within a specified length of time.
 3. A provision that the contractor start work within a specified length of time.
 4. A statement concerning the acceptability of progress payments.
 5. A provision that final payment on the contract amount will be made only after final inspection, acceptance of all work by the Grantee and the homeowner, and after the Grantee receives the contractor’s final invoice release of liens and warranty, and claims for liens by subcontractors, laborers and material suppliers for completed work or supplied materials.
 6. Provisions that the contractor will be required to:
 - a. Obtain and pay for all permits and licenses necessary for the completion and execution of the work and labor to be performed.
 - b. Perform all work in conformance with UPCS, and applicable codes, as well as lead-based paint regulations and requirements, whether or not covered by specification and drawings for the work.
 - c. Keep the premises clean and orderly during the course of the work and remove all

debris at the completion of the work. Materials and equipment that have been removed and replaced as part of the work shall belong to the contractor, unless specifically stated otherwise within the work write-up.

- d. Not assign the contract without written consent of the Grantee and homeowner.
- e. Guarantee the work performed for a period of one year from the date of final acceptance of all work required by the contract. Furthermore, furnish the homeowner, in care of the Grantee, with all operations and maintenance manuals, manufacturers and suppliers written guarantees and warranties covering materials and equipment furnished under the contract.
- f. Include a statement as to whether the premises are to be either occupied or vacant during the course of construction work.
- g. A provision that the contractor may reasonably use existing utilities without payment during the course of the work.

C. INSURANCE

1. The contractor shall carry or require that there be carried Workman's Compensation Insurance for all his employees and those of his subcontractors engaged in work at the site in accordance with Tennessee State Workman's Compensation Laws.
2. The contractor shall carry or require that there be carried Manufacturer's and Contractor's Public Liability Insurance. This insurance will be in an amount not less than \$100,000 for injuries including accidental death to any one person for one accident, and to protect the contractor and subcontractors against claims for injury or death of one or more persons because of accidents which may occur or result from operations under the contract. Such insurance shall cover the use of all equipment, including but not limited to, excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers, and motor vehicles in the construction of the rehabilitation embraced in their contract.
3. The contractor shall carry during the life of the contract Property Damage Insurance in an amount of not less than \$100,000 to protect him and his subcontractors from claims for property damage which might arise from operations under their contract.
4. Before commencing work, the contractor shall submit evidence of coverage required to the Grantee. A certificate of insurance shall be presented as the evidence.

NOTE – The Grantee is advised to consult with its attorney to insure that the extent, limit and amount of contractor's insurance is consistent with the scope of the project and current State law.

D. WORK WRITE-UPS, SPECIFICATIONS AND DRAWINGS – The work write up (Independent Cost Estimate) must include photographs of each deficiency to be addressed as well as all sides of the exterior of the house, crawl space and accessible attic space. The specifications, based on THDA's Design Standards and the applicable building code covering the specific rehabilitation work for each property to be rehabilitated will be prepared by the Grantee's qualified and approved Rehab Coordinator. The specifications will:

1. Clearly identify all code deficiencies and any lead-based paint hazard;
2. Specify work to correct those deficiencies or hazards;

3. Note any unusual features or limitations;
4. Include the Grantee's estimated cost for rehabilitation; and
5. Will be initialed on each page by the homeowner and signed on the signature page by the homeowner.

E. INELIGIBLE CONTRACTORS - The Grantee may determine a contractor ineligible to bid on projects when:

1. The contractor is listed on the Federal Debarred list; the grantee must check the contractor and all subcontractors' names against the Federal Excluded Parties List System (available at <https://www.sam.gov/portal/public/SAM/>). The grantee will print out the system search results and place in file to document that the contractors and subcontractors are not on this list.
2. The Contractor is listed on the State of Tennessee list of Debarred Vendors. (available at: tn.gov/content/dam/tn/generalservices/documents/cpo/other/Debarred_Vendors.pdf)
3. There is documented proof that the contractor has not paid material suppliers;
4. There is documented proof that the contractor has not completed projects within the allotted time frame;
5. There exist substantial complaints by homeowners about quality of work and performance.
6. There is documented proof that the contractor has not performed warranty work on previous contracts.
7. Conflict of interest exist between the contractor candidate and project participants, location, or any financial ties

F. INVITATION TO CONTRACTORS FOR SUBMISSION OF QUALIFICATIONS -

1. The Grantee will announce the program and solicit for submission of qualifications and interest from licensed general contractors including minority and women owned firms at the beginning of the program and at least once each year thereafter.
 - a. Solicitations for qualifications may be mailed, emailed, posted at locations such as city halls; county courthouses; plan rooms; professional building associations; architectural firms or other places likely to be observed by qualified contractors and/or posted on social medial sites, advertised through traditional media and through word of mouth.
2. The Grantee will accept submissions of qualifications from general contractors throughout the life of the program.
3. The Grantee will develop and maintain a list of qualified general contractors, including minority and women owned firms.

G. SOLICITATION OF BIDS FOR PROJECTS - Bid Solicitation must be a free, open competitive process. Every effort must be made to solicit minority and female businesses. The Grantee should **not** structure its procedures in order to keep business "in town". Absolute fairness must prevail in every aspect of the program, and any questions concerning conflict, or apparent conflict of interest should

be discussed with THDA.

1. **ADVERTISEMENT REQUIREMENTS** – The invitation to bid must be published in a newspaper of general circulation at least 14 days prior to the public bid opening. To avoid delays, a Grantee may wish to publish the invitation for bids in the newspaper of the closest metropolitan area to gain wider circulation and thereby increase chances of receiving at least 2 bids. The cost of publication is an administrative expense and not billable to the project.
2. The Grantee will also notify in writing and in a timely fashion all contractors on the Contractors List when bid packages are available.
3. The Grantee will document when and to whom invitations to bid are sent out and packages picked up.

H. BID SELECTION – A minimum of two (2) bids must be received. Bids will be opened on the date and time previously established. A bid tabulation form will be prepared. The grantee will select the lowest qualified bid. THDA may require that the project be re-bid if there are not at least two (2) valid bids in response to the invitation for bids.

1. If the project is re-bid and 2 bids still are not obtained, contact THDA for an exception to the 2 bid requirement. THDA may consider your project as a sole source procurement and/or allow you to award the contract with less than 2 bidders. Written permission must be obtained from THDA before you may award a contract with less than two bids.
2. Should the Grantee/owner decide to select a bid other than the lowest qualified bid, the Grantee/owner should state the reasons/justification in writing. If the owner's justification is not acceptable, the owner will be required to finance any rehabilitation amount that exceeds the lowest qualified bid through his/her personal resources.
3. The Grantee will reject a bid in instances where the bid exceeds the cost estimate by a percentage determined by the Grantee in its policies and procedures, unless a review of the cost estimate demonstrates an error. If a low bid is under the cost estimate, a meeting will be arranged with the contractor to assure that his cost is within reason and will allow him to satisfactorily complete the job. The homeowner will be advised if no acceptable bids are received on their house and the project will be re-bid.
4. **REBID OR CHANGES IN SCOPE** – If all bids exceed the amount of the construction budget, Grantees may not negotiate solely with the low bidder. The project can be re-bid or changed in scope. If the scope of the project is changed, then each bidder must be given the opportunity to bid again. Bidders must be informed that they have the right to change their original unit prices as long as they conform to the revised bid specifications. Grantees must maintain documentation to demonstrate that this process was followed.
5. **DEDUCTIBLE AND ADDITIVE ALTERNATES** – Bid specifications for construction projects may contain deductible alternates. By definition, a deductible alternate is a portion of the project that can be deleted to bring construction costs within the budget if all bids received exceed the funds available for construction. The deductible alternates must not change the scope of the project. Bid specifications for construction projects may also contain additive alternates.
6. **DISQUALIFIED CONTRACTORS** – The Grantee must disqualify a contractor from bidding on projects when the contractor is listed on HUD's Limited Denial of Participation and Voluntary Abstention List (the "Debarred List"). A Grantee may also

disqualify a contractor from bidding on projects when:

- a. There is documented proof that the contractor has not paid material suppliers; or
- b. The contractor has not completed projects within the allotted time frame; or
- c. There exist substantial complaints by homeowners about quality of work and performance.
- d. There is documented proof that the contractor has not performed warranty work on previous contracts.
- e. Conflict of interest exist between the contractor candidate and project participants, location, or any financial ties
- f. The Grantee will place an advertisement in a local newspaper or the nearest metropolitan newspaper advertising the availability of bid packages.

I. SELECTION OF A SUCCESSFUL BIDDER - The opening of the sealed bids must meet these conditions.

1. The opening must be public.
2. The best value responsive and responsible bid will prevail. Bids that fall 15% under or 15% over the Grantee's cost estimate (written work write-up) may be rejected as not responsible bids.
3. There should be **at least two (2) competitive bids** by eligible contractors.
4. Minutes of the award and bid tabulations should be appropriately filed.
5. Questions concerning contractor eligibility shall be decided prior to opening the bids.
6. The Grantee will verify with THDA that contractors are not debarred.
7. The Grantee may limit the number of bids awarded to any one contractor at any one bid letting to three (3).

II. AWARD OF THE CONSTRUCTION CONTRACT - The contract will become effective upon the signatures of the homeowner and contractor and with the Grantee's endorsement. The Grantee will distribute the executed contract documents as follows: original to Grantee, copy to homeowner, copy to contractor.

15. INSPECTION, CLOSE-OUT AND PAYMENT FOR REHABILITATION WORK
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A. RESPONSIBILITY FOR MAKING INSPECTIONS - Inspection of construction will be performed by the Grantee or its designee as follows:

1. Compliance inspections will be made as often as necessary to assure that the work is being completed in accordance with the community's building, electrical, mechanical and

plumbing codes, zoning regulations, and any other related State or local laws and ordinances.

2. Inspections will be made as often as necessary to assure that the work being performed is in accordance with the terms of the construction contract, conducting a minimum of three
3. Written notices of inspections (HO-17) or equivalent in THDA's GMS system shall be filed appropriately.
4. The Grantee's Rehab Coordinator will perform a minimum of 3 inspections throughout the project. An initial inspection, a progress inspection, and a final inspection will be conducted in accordance with THDA's Policy and Procedures and HUD 24CFR 92.251 of the 2013 HOME Final rule. An agent of THDA will be selecting projects at random and performing Quality Assurance inspections in accordance with THDA's Policy and Procedures and HUD 24CFR 92.251 of the 2013 HOME Final rule.

PROGRESS PAYMENTS - If progress payments are allowed by the Grantee, no more than four progress payments can be made including the final payment. Progress draws may be requested for the demolition of the structure, at 25% completion, 50% completion and at the finalization of the project. Requests for additional draws must be in writing, reasonable and approved in advance by THDA on a per project basis. The 50% payment must also have an approved progress review and certificate of passed rough-in inspections.

B. FINAL PAYMENTS

1. FINAL REVIEW - Upon completion of the rehabilitation work, a final inspection is conducted by the Grantee's authorized rehab coordinator. Any uncompleted work or work that is unsatisfactory is noted on a final "punch list" and sent to the contractor in writing (HO-17 and HO-18) or equivalent in THDA's GMS system. When these items are completed, clearance testing for lead-based paint hazards is conducted on the unit. When the unit passes clearance testing, and a certificate of code compliance from a local codes official is issued, the project is complete.
2. CERTIFICATION - After the Grantee determines that the rehabilitation work has been fully and satisfactorily completed and the unit has passed clearance testing, the Certification of Completion and Final Inspection form (FM-7) or submission of the same information into THDA's GMS management system when applicable is prepared. The homeowner signs the certification indicating that he/she accepts the rehabilitation work as meeting the terms and conditions of the contract. The contractor signs the certification indicating that the work has been completed in accordance with the contract and that there are no unpaid claims for labor, materials supplies or equipment. The Rehab Coordinator signs the Certification indicating that work has been completed in accordance with the contract and authorizing final payment. PLEASE NOTE: Final payment will not be authorized without a signed Certificate of Code Compliance OR approval of rehabilitation by a local codes official or a state certified codes official.
3. NOTICE OF COMPLETION - The contractor shall file a Notice of Completion with the Register of Deeds in the county where the work is performed and return a certified copy to the Grantee.
4. MAKING FINAL PAYMENT - When the final inspection determines that the work is completed in accordance with the contract and the homeowner has accepted the work, the Grantee will obtain from the contractor a release of liens, including all subcontractors

and suppliers, and a copy of each warranty due the owner for the work. The Grantee will request final payment from THDA at that time.

5. If the homeowner refuses to sign the final acceptance, the Grantee may authorize full payment for those items which are undisputed and acceptable to all parties.

16. GRIEVANCE PROCEDURE

A. The Grievance Procedure shall be made a part of the contract between the homeowner and the contractor. Disputes between the homeowner, Grantee and contractor may arise from time to time during the life of the rehabilitation project. In those instances where a mutually satisfactory agreement cannot be reached between the parties, the grievance procedure will be followed.

1. The grievance by the homeowner or contractor is to be filed with the program administrator in writing.
2. The program administrator will meet with the homeowner/contractor and attempt to negotiate a solution.
3. Contact the THDA Community Programs Division at (615) 815-2030 should the program administrator fail to negotiate a solution.

B. GRIEVANCE PROCEDURE - If this fails, the program administrator will follow the grievance procedure as outlined below:

1. All claims or disputes between the owner and contractor arising out of or related to the work shall be decided by arbitration in accordance with the current construction industry arbitration rules of the American Arbitration Association unless the parties mutually agree otherwise.
2. The owner and contractor shall submit all disputes or claims, regardless of the extent of the works progress, to Hartsville/Trousdale County Mayonnless the parties mutually agree otherwise.
3. Notice of the demand for arbitration shall be filed in writing with the other party to this rehabilitation agreement and shall be made within a reasonable time after the dispute has arisen.
4. The award rendered by the arbitrator shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.
5. If the arbitrator's award is in a sum which is less than that which was offered in settlement by the contractor, the arbitrator may award costs and attorney fees in favor of the contractor. If the arbitrator's award is in a sum which is less than that which was offered in settlement by the owners, the arbitrator may award costs and attorney fees in favor of the owner.

C. THE WRITTEN CONTRACT - The contract and the rehabilitation specifications, along with the initial inspection report provide the basic documentation by which the relative merits of any dispute will be judged.

- D. CONFLICT OF INTEREST OF PUBLIC OFFICIALS** - No elected or appointed Federal, State or local official, member of the local governing body, or any other public official or employee who exercises any functions or responsibilities in conjunction with the administration of the housing rehabilitation shall have any interest, direct or indirect, in the proceeds or benefits of the rehabilitation grant program. In those cases where the interest may not be direct or indirect, and the conflict of interest is only “apparent”, the Grantee must contact THDA for clarification before proceeding. THDA will not routinely consider requesting an exception to the conflict of interest provisions from HUD.
- E. KICKBACKS AND DISCOUNTS** - No member of the governing body of the Grantee or any Grantee employee shall receive kickbacks or discounts from either contractors or property owners in return for special favors in regard to housing rehabilitation.

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

RESOLUTION # 2024-20-817

**RESOLUTION DECLARING A SHERIFF VEHICLE AS SURPLUS AND
TRANSFERRING TO THE DRUG TASK FORCE**

WHEREAS, the Hartsville/Trousdale County Metropolitan Government has a law enforcement vehicle which is no longer needed in the Sheriff Department; and

WHEREAS, this vehicle described as a 2017 Ford Utility Patrol Vehicle with VIN number 1FM5K8AR3HGC35132 must be declared as surplus property before it can be transferred.

NOW, THEREFORE, BE IT RESOLVED, by the Hartsville/Trousdale County Commission meeting in regular session, that vehicle described as a 2017 Ford Utility Patrol Vehicle with VIN number 1FM5K8AR3HGC35132 is hereby declared surplus and transferred to the 15th District Drug Task Force vehicle fleet.

Requested by Hartsville/Trousdale County Sheriff

Motion to approve: _____

Electronic Voting

Second motion: _____

YES _____ NO _____ ABSENT _____

APPROVED:

ATTEST:

Lonnie Taylor
Commission Chair

Rita Crowder
County Clerk

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

RESOLUTION #2024-21-818

**A RESOLUTION SUPPORTING THE DONATION OF PROPERTY TO THE
TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, Hartsville/Trousdale County Government owns a parcel of land located at 201 Broadway that is also adjacent to a state maintained bridge; and

WHEREAS, the Tennessee Department of Transportation (TDOT) has contacted the County requesting for this parcel to be donated to the State of Tennessee in order for the State to have full access to the bridge and make needed repairs to the adjacent bridge; and

WHEREAS, the property located on Broadway identified by Tax Map 019K, Parcel 022.00, this being 0.304 deeded acreage is conveyed as an easement for the construction of a working area and erosion control outside of the proposed right of way line to be used for a period of 3 years, from and after the commencement of construction.

NOW, THEREFORE, BE IT RESOLVED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION to support and authorize the Mayor to act in his official capacity as Chief Administrative Officer for the County, having the authority to execute contractual agreements for donation of property to the State of Tennessee for the construction of a working area and erosion control outside of the proposed right of way line to be used for a period of 3 years, from and after the commencement of construction.

Motion _____

Motion made by: _____

Electronic Voting

Second motion: _____ YES _____ NO _____ ABSTAIN _____ ABSENT _____

APPROVED:

ATTEST:

Lonnie Taylor
Commission Chair

Rita Crowder
County Clerk

ORDINANCES

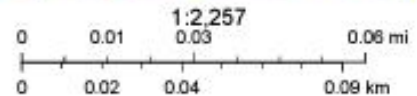
Trousdale County - Parcel: 019K A 026.00

& 027.00



Date: October 10, 2024

County: TROUSDALE
 Owner: GREGORY JEFF ETUX PAM GREGORY
 Address: FRONT ST
 Parcel ID: 019K A 026.00
 Deeded Acreage: 0
 Calculated Acreage: 3
 Vexcel Imagery Date: 2023



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The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

\$350 APPLICATION FEE
\$150 SIGN DEPOSIT

HARTSVILLE/ TROUSDALE COUNTY
PLANNING OFFICE

328 Broadway, Room 1 | Hartsville, TN 37074
Office (615) 374-1125 | Cell (615) 374-5066
planning@trousdalecountyttn.gov

ZONING CHANGE APPLICATION

PARCEL INFORMATION

Current Zoning R-2 Requested Zoning R-3 Reason [REDACTED]
Property Owner Jeff and Pam Gregory Phone (615) 633-7781
Property Address Front St TN 37074
Lot Size 3.25 acres Road Frontage _____ ft. Easements _____ ft.
Tax Map Number 019K Group A Parcel 26.00,27.0 Record/Deed Book _____
Subdivision Name _____ Phase _____ Lot # _____
Water Source city Sewer or Septic sewer

APPLICANT INFORMATION

Applicant Name Jeff Gregory Phone [REDACTED]
Mailing Address 427 Andrews Ave Hartsville, TN 37074
Email: [REDACTED]

IMPACT INFORMATION

Zoning of Surrounding Properties R2, C1, R3
Names of Surrounding Property Owners THOMAS ALLEN, LARRY BURNLEY, ERIC WALLACE, SCHOOL
Affected Roads FRONT ST
Schools Affected WARD SCHOOL
Public Utilities HARTSVILLE WATER, Tri County ELECTRIC

[REDACTED] Applicant Signature _____ Date Submitted _____

ACTION TAKEN

Reviewed by Planning Commission _____ Action _____
Reviewed by BZA _____ Action _____
Zoning Ordinance at County Commission _____
1st Reading _____ Action _____
Public Hearing _____ Action _____
2nd Reading _____ Action _____
Passed _____ Failed, state reason _____

The property lines are compiled from information maintained by your local



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION

328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay	Mitch Gregory	Rhonda Keisling	Carol Pruitt
Amanda Carman	Thomas Harper	David Nollner	David Thomas

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on October 14, 2024, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION


Current Zoning R-2 Requested Zoning R-3
 Tax Map Number 019K Group A Parcel 026.00, 27.00
 Reason future development
 Property Owner Jeff and Pam Gregory
 Property Address Front St Hartsville TN

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The lots are surrounded by R-2 and R-3 properties which are being or have been developed.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.


Chairman

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #313-2024-13

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING TAX MAP 027G GROUP B PARCELS 028.00
FROM R2 TO R3**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning a parcel totaling 1.23 acres from R-2 Residential (Medium Density) to R-3 Residential (High Density) identified as follows:

Trousdale County Tax Map 027G Group B Parcel 028.00;

This rezoning being a total of 1.23 acres located at 850 River Valley, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission November 12, 2024
Public Hearing to be held on January 27, 2024 if passed at 1st reading*

Motion: _____

First Reading November 25, 2024 1M _____ **Electronic Vote**
2m _____ Yes ___ No ___ Abstain ___ Absent ___

Motion: _____

Second Reading _____ 1M _____ **Electronic Vote**
2m _____ Yes ___ No ___ Abstain ___ Absent ___

Approved:

Attest:

Commission Chairman

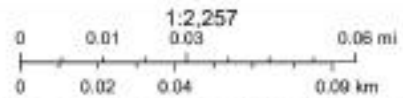
County Clerk

Trousdale County - Parcel: 027G B 028.00



Date: November 5, 2024

County: Trousdale
Owner: ARMISTEAD KELLY ANN
Address: RIVER VALLEY CT
Parcel Number: 027G B 028.00
Deeded Acreage: 0
Calculated Acreage: 0
Date of TDOT Imagery: 2021
Date of Vexcel Imagery: 2023



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The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



Rezoning Permit Application

Date: 10/23/2024 24225

Applicant / Owner

Applicant Type: Property Owner
Applicant Name: Justin Trent Maasen
Address: 850 River Valley RD
City, State, Zip: Hartsville TN 37074
Phone: [REDACTED]
Email: [REDACTED]

Owner Name: Kelly Ann Armistead/Crystal Garner
Owner Phone: [REDACTED]
Owner Email: [REDACTED]

Property

Site Address: 850 River Valley Dr
City, State, Zip: Hartsville TN 37074
Current Zoning: R2
Requested Zoning: R3
Lot Size: 1.23 acres
Road Frontage: 150 ft
Easements: none
Tax Map #: 027G

Group: B
Parcel: 028.00
Record/Deed Book: 39/337
Subdivision Name:
Phase:
Lot #:
Water Source: Hartsville / Trousdale Water Dept.
Sewer/Septic: Sewer

Reason: Future townhome development

I do hereby certify that the information contained herein is true and correct.

Justin Trent Maasen

10/23/2024

Date



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION
328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay	Mitch Gregory	Cal Welch	Katie Dillon
Amanda Carman	Arthur Harper	David Nollner	David Thomas

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on November 12, 2024, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION

Current Zoning R2 Requested Zoning R3
 Tax Map Number 027G Group B Parcel 28.00
 Reason Future Development
 Property Owner Kelly Ann Armistead/Crystal Garner
 Property Address 850 River Valley Hartsville TN 37074

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The property is located next to an R3 zoned parcel. The surrounding properties are R2 and the property across River St is zoned R3 as well. The Planning Commission felt this was in line with our Ordinances and Zoning plan and gave it a favorable recommendation.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.

John Kerr
Chairman

BUDGET AMENDMENTS

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

101-07G CDBG, LPRF

| BUDGET AMENDMENT
2025-101-07G

Request is hereby made to amend **Fund 101 General Services** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
101-47180-CDBG	Community Development - CDBG 2022	\$ 66,930	
101-51890-309-22CDB	Other Economic Development: Contracts - CDBG 2022		\$ 66,930

Purpose: *Bringing remainder of CDBG-HR (Housing) grant to FY25.*
Grant Amount \$525,000 | Spent \$402,725 in FY2024
Budgeted \$55,345 in FY25 | Remaining Balance/Amended Budget \$122,275

101-46390-LPRG	Health and Welfare Grants	\$ 37,590	
101-91150-309-LPRG	Local Parks and Rec Funding: Contracts		\$ 37,590

Purpose: *Bringing remainder of LPRF (Playground) grant to FY25*
Grant Amount 1,200,000 | Spent \$527,428 in FY23, FY24
Budgeted \$634,982 in FY25 | Remaining Balance/Amended Budget \$672,572

Budget Amendment Total	\$ 104,520	\$ 104,520
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As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Electronic Vote

Second: _____ Yes _____ No _____ Absent _____

Budget Amendment 2025-101-07G *approved by Commission on* _____

APPROVED:

ATTEST:

 LONNIE TAYLOR
 COMMISSION CHAIRMAN

 RITA CROWDER
 COUNTY CLERK

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

101-08F SRO EXPENSES

**| BUDGET AMENDMENT
2025-101-08F**

Request is hereby made to amend **Fund 101 General Services** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
101-39000	Fund Balance	\$ 6,000	
101-54120-338	SRO: Vehcile Repair and Maintenance		\$ 500
101-54120-451	SRO: Uniforms		1,000
101-54120-716	SRO: Law Enforcement Equipment		3,000
101-54120-790	SRO: Other Equipment		1,500

Purpose: *Appropriating for School Resource Officer (SRO) expenses. With grant funding, need to separate out expenses specifically for SRO.*

Budget Amendment Total	\$ 6,000	\$ 6,000
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As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Electronic Vote

Second: _____ Yes _____ No _____ Absent _____

Budget Amendment 2025-101-08F *approved by Commission on* _____

APPROVED:

ATTEST:

LONNIE TAYLOR
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

101-09 Insurance Recovery

**| BUDGET AMENDMENT
2025-101-09**

Request is hereby made to amend **Fund 101 General Services** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
101-49700	Insurance Recovery	\$ 4,315	
101-54110-338	Sheriff: Vehicle Maintenance and Repair		\$ 4,315

Purpose: Incident occurred on October 16, 2024. Patrol vehicle damaged during pursuit of another vehicle.

Budget Amendment Total	\$ 4,315	\$ 4,315
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As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Electronic Vote

Second: _____ Yes _____ No _____ Absent _____

Budget Amendment 2025-101-09 **approved by Commission on** _____

APPROVED:

ATTEST:

LONNIE TAYLOR
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

111-03R Truck, Traffic Light

**| BUDGET AMENDMENT
2025-111-03R**

Request is hereby made to amend **Fund 111 Urban Services** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
111-39000	Fund Balance - Committed	\$ 400,000	
111-55731-718	Waste Collection: Vehicles		\$ 400,000

Purpose: Carryover from FY24. Originally approved March 2024 by BA 2024-111-05F vote: 18Y, 2N, 2Absent.
Expense not yet billed, advised to move to current fiscal year.

111-39000	Fund Balance - Committed	\$ 97,000	
111-58400-728	Other Charges: Traffic Equipment		\$ 97,000

Purpose: Carryover from FY23. Originally approved March 2023 by BA 2023-111-01F Vote: 20Y, 0N, 0Absent
Includes new light system at Andrews and backup equipment at Andrews and Broadway.

Budget Amendment Total	\$ 497,000	\$ 497,000
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As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Second: _____

Electronic Vote

Yes _____ No _____ Absent _____

Budget Amendment 2025-111-03R approved by Commission on _____

APPROVED:

ATTEST:

LONNIE TAYLOR
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

141-04 PRESCHOOL GRANT

| BUDGET AMENDMENT

15

2025-141-04

Request is hereby made to amend Fund 141 General Purpose School budget as follows:

DEBIT REVENUE	46515-SSEPG Early Childhood Education Program	17,063.50
<hr/>		
DEBIT TOTALS		\$17,063.50
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CREDIT EXPENDITURES	71200 Special Education Program	
	163-SSEPG Educational Assistants	15,000.00
	201-SSEPG Social Security	929.00
	204-SSEPG State Retirement	919.50
	212-SSEPG Employee Medicare	215.00
<hr/>		
CREDIT TOTALS		\$17,063.50
<hr/>		

Purpose: 141-71200 Special Education Program - revenue in the amount of \$17,063.50 for State Special Education PreSchool grant. Funds to be used to pay educational assistant salary

Budget Amendment Total \$ 17,063.50

As recommended by the Board of Education October 17, 2024
As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Second: _____ **Electronic Vote**
Yes _____ No _____ Absent _____

Budget Amendment 2025-141-04 approved by Commission on _____

APPROVED:

ATTEST:

LONNIE TAYLOR
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

141-05 CCISR - LEAPS

| BUDGET AMENDMENT

17

2025-141-05

Request is hereby made to amend **Fund 141 General Purpose School** budget as follows:

DEBIT REVENUE	46980-CCISR	Other States Grants	28,000.00
DEBIT TOTALS			\$28,000.00
CREDIT EXPENDITURES	73300	Community Services	
		188-CCISR Bonus Payments	23,000.00
		201-CCISR Social Security	1,500.00
		204-CCISR State Retirement	2,000.00
		212-CCISR Employee Medicare	500.00
		399-CCISR Contracted Services	1,000.00
CREDIT TOTALS			\$28,000.00

Purpose: 141-73300 Community Services - revenue in the amount of \$28,000 for Child Care Improvement Staff Retention grant. Funds used to give retention bonuses for teachers that return to work in the LEAPS AfterSchool program in the 2024-25 school year.

Budget Amendment Total

\$ 28,000.00

As recommended by the Board of Education October 17, 2024

As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Electronic Vote

Second: _____ Yes _____ No _____ Absent _____

Budget Amendment 2025-141-05 **approved by Commission on** _____

APPROVED:

ATTEST:

LONNIE TAYLOR
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

**Hartsville/Trousdale County Commission
Committee Attendance Record**

Month of: NOVEMBER 2024

Committee Name			Initials
First Response	11/6/2024	53	
Codes & Zoning	11/7/2024	53	
Audit	11/12/2024	53	
Public Works	11/14/2024	53	
Parks & Rec	11/14/2024	53	
Budget & Finance	11/18/2024	53	
		53	
		53	
<i>All other Advisory boards, committees, and commissions (Planning, BZA, Beer Board, etc) are <u>separate</u> from this listing.</i>			
Work Session	11/18/2024	95	
Commission	11/25/2024	125	

Amount Due \$

Direct Deposit estimated on **12/13/2024**

Commissioner Signature

Date

Print your Name

**Commissioners are paid only for the attendance of committees of which they are appointed. You may attend other committee meetings at your leisure. Sheets will be checked with the minutes.*

Email: amy.thomas@trousdalecountyttn.gov

Fax: 615-374-3948 | Mail: 328 Broadway, Rm 6 | Hartsville, TN