

APPENDIX A

RPLP FEDERAL CROSS-CUTTING STATUTORY & REGULATORY REQUIREMENTS OVERVIEW

The Rental Preservation Loan Program (RPLP) utilizes various sources of funds, including HOME Investment Partnership Program (HOME) and national Housing Trust Fund (NHTF), which are provided by the United States Department of Housing and Urban Development (HUD) (“Federal Funds”). Projects awarded Federal Funds through RPLP must adhere to the associated federal regulations and requirements. A summary of the most prominent federal requirements can be found below. This document does not fully capture all federal requirements and is only intended to serve as an overview.

Environmental Review Process Overview:

- Upon the award of RPLP funds to a project, Borrower will be notified of the level of Environmental Review that is required by the funding source.
- All projects receiving a federally funded loan must participate in an environmental review process training with the Agency.
- Developer completes all necessary steps of the environmental review and provides documents to the Agency.
- The Agency completes additional environmental review verifications and forwards documents to other government agencies for review, if required.
- For non-HOME funded projects, assuming no environmental issues are found, the Agency advises that the environmental review process is complete.
- For HOME-funded projects, assuming no environmental issues are found,
 - The Agency issues Finding of No Significant Impact (the “FONSI”).
 - Borrower posts the FONSI for public comment.
At the end of the comment period, the Agency submits a Request for Release of Funds (RROF) to HUD.
 - HUD issues the Authority to Use Grant Funds after mandated 15-day objection period after receiving RROF.
 - After the Agency receives the Authority to Use Grant Funds, the developer may commence with choice limiting activities.

Once you have indicated the intention to apply for RPLP funding (through either email or verbal communication or by the submission of an application) owners/developers and any participant in the development **may not take any choice limiting activities.** A “choice limiting activity” includes, but is not limited to the acquisition, demolition, movement, rehabilitation, conversion, lease, repair or construction of the project, as well as the commitment or expenditure of any HUD or non-federal funds with respect to any eligible project, until the environmental review process has been completed. These actions could have an adverse environmental impact or limit the choice of reasonable alternatives, thus disqualifying the entire development. **Any violation of this provision may result in the denial of funding or recapture of funding at a future date.**

Federal Regulations and Statutory Requirements

Other federal regulations apply to RPLP projects. Please see the timing below for an overview of the associated requirements. Please note, additional documents will be required by the Agency throughout the development process.

At Application:

- All projects must submit a [Conflicts of Interest disclosure](#), as applicable
- All projects must provide evidence of registration in SAM.gov for the borrower, developer (if different from the borrower) and general contractor, if applicable

Prior to Starting and During Rehabilitation:

- All projects that require the displacement of persons from their homes, businesses, or farms are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended ([49 CFR Part 24](#)) and Section 104(d) of the Housing and Community Project Act of 1974 as amended (42 USC 5304(d)). For those projects receiving Federal Funds, the HOME ([24 CFR §92.353](#)) or national Housing Trust Fund ([24 CFR §93.352 displacement-related regulations](#)) must also be followed, as applicable.
- All projects receiving HOME funds which provide assistance to 12 or more residential units must comply with the labor standards and wages rates required by [24 CFR 92.354, which incorporates the Davis-Bacon Act](#) (40 USC 3141, *et seq.*). The contract for construction must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act, to all laborers and mechanics employed in the rehabilitation of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 USC 3701, *et seq.*). Wage reports must be submitted to the Agency monthly during construction, and the Agency will be conducting periodic on-site interviews of workers.
- Projects receiving federal funds must provide employment opportunities for low-income people, and must comply with Section 3 of the HUD Act of 1968 (12 USC 1701u) (Section 3), the Section 3 regulations (24 CFR Part 75), and NCHFA's Section 3 Local Jobs Initiative. [These](#) requirements apply to any project receiving federal assistance of \$200,001 or more. The Section 3 Certification of Compliance must be executed and submitted prior to issuance of any final/firm commitment, and Section 3 reports must be submitted to the Agency quarterly during construction and at project completion.
- Contracting and procurement activities must be in compliance with Minority & Women Business Enterprises (MWBE) requirements, as outlined in [24 CFR 92.351 and 24 CFR 93.350, as applicable](#). Procurement must also comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at [2 CFR Part 200](#). All procurement must incorporate federal labor standards.
- All projects and project sites must meet accessibility requirements in 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act, the design and construction requirements of 24 CFR §100.205, as well as comply with the Americans with Disabilities Act, Title VIII of the Civil Rights Act of 1968 (commonly known as the Fair Housing Act), the Fair Housing Amendments Act of 1988, Architectural Barriers Act (1968), the Americans with Disabilities Act (1990), and all applicable state and local building codes.

- All projects must have an [Affirmative Fair Housing Marketing Plan](#) (AFHMP) that complies with 24 CFR §92.351 or 24 CFR §93.350, as applicable, and has been accepted and approved by the Agency.
- All projects must comply with lead-based paint regulations - [24 CFR Part 35, subparts A, B, J, K, M and R](#):
 - Lead-Based Paint Poisoning Prevention Act (LBPPPA)
 - Residential Lead Based Paint Reduction Act
 - State lead-based paint requirement
- All persons must adhere to requirements in 2 CFR 200.318 as it relates to the procurement of property and services, as well as [Conflicts of Interest prohibitions contained in 24 CFR §92.356 or 24 CFR §93.353](#), as applicable.

Additional Ongoing Requirements:

- Fair Housing statutes, regulations, and guidance – [HUD’s documentation of Fair Housing and related regulations and laws](#)
- All owners must comply with the Agency’s policies for meeting Limited English Proficiency, and must be familiar with the Agency’s [Guidance](#) for Developing a Four Factor Analysis and Language Access Plan.
- NSPIRE – the National Standards for the Physical Inspection of Real Estate – is the new physical inspection model designed to promote HUD’s goal of reducing health and safety hazards in the home. [Current NSPIRE standards are available here.](#)
- The [Violence Against Women Reauthorization Act \(VAWA\)](#) – which provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness. Please note that this law is not limited to women and it extends to any person without regard to sex, sexual identity, sexual orientation, or age.

*Additional Agency requirements may be required.