



**BOARD COORDINATOR  
GENESEE COUNTY BOARD OF COMMISSIONERS**

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AMY ALEXANDER  
COORDINATOR

**COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE  
Monday, March 6, 2017, 9:30 a.m.  
AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. MINUTES – January 9, 2017**
- IV. PUBLIC COMMENTS TO THE COMMITTEE**
- V. COMMUNICATIONS**
- VI. COMMUNITY DEVELOPMENT**
  - A. C030617VIA: Allocation Committee Member Appointment**
  - B. C030617VIB: Transfer of Community Development Program Funds**
  - C. C030617VIC: HOME Investment Partnership Program Guidelines and Procedures Update**
- VII. ECONOMIC DEVELOPMENT**
- VIII. ENVIRONMENTAL BUSINESS**
  - A. C030617VIIIA: Recycle Day Site Agreements**
- IX. OTHER BUSINESS**
- X. ADJOURNMENT**

**MEMORANDUM**

**TO:** Commissioner David Martin, Chairperson  
Community and Economic Development Committee

**FROM:** Derek Bradshaw, Director-Coordinator  
Genesee County Metropolitan Planning Commission

**DATE:** March 6, 2017

**SUBJECT:** **Allocation Committee Member Appointment**

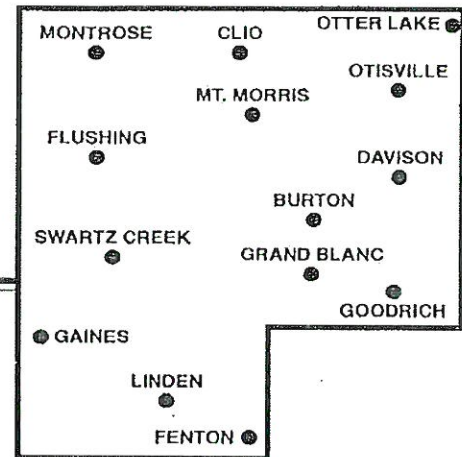
Staff has received written notification from the Michigan Small Cities and Villages Association – Genesee County Branch, of the recommendation of Mr. Brad Dick, Councilman with the City of Linden, for appointment to the vacant position on the Genesee County Allocation Committee. Attached is the recommendation letter from the Small Cities and Villages Association.

At this time, staff is requesting the Community and Economic Development Committee to consider the nomination and approve the appointment of Michigan Small Cities and Villages Association representative, Brad Dick, to the Genesee County Allocation Committee.



GENESEE COUNTY  
**Small Cities & Villages  
Association**

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February 2, 2017

Christine A. Durgan, Assistant Director  
Genesee County Metropolitan Planning Commission  
Room 223  
1101 Beach Street  
Flint, Michigan 48502

Ms. Durgan:

The Genesee County Small Cities/Villages Association met Wednesday, February 1, 2017 and per your request, they have nominated and approved the appointment of City Councilman Brad Dick of Linden. The mailing address for the city of Linden is PO Box 507, 48451. His email address is [bdick@lindenmi.us](mailto:bdick@lindenmi.us)

If you need any further information, please let me know.

Sincerely,

Tracy Myers  
GC Small Cities/Villages  
Recording Secretary

RECEIVED  
GENESEE COUNTY

FEB 02 2017

METROPOLITAN  
PLANNING COMMISSION

**MEMORANDUM**

**TO:** Commissioner David Martin, Chairperson  
Community and Economic Development Committee

**FROM:** Derek Bradshaw, Director-Coordinator  
Genesee County Metropolitan Planning Commission

**DATE:** March 6, 2017

**SUBJECT:** **Transfer of Community Development Program Funds**

The following transfers were requested by the local units of government.

Amount	To Project	From Project	Comments
\$15,000	2015 Atlas Township Removal of Architectural Barriers	2015 Atlas Township Historical Preservation	Transfer Requested
\$27,118.48	2015 Thetford Township Blight Removal	2015 Thetford Township Street Improvements	Street project is complete, transfer requested

At this time, the Allocation Committee is recommending approval of the Community Development Program fund transfers by the Community and Economic Development Committee.



**MEMORANDUM**

**TO:** Commissioner David Martin, Chairperson  
Community and Economic Development Committee

**FROM:** Derek Bradshaw, Director-Coordinator  
Genesee County Metropolitan Planning Commission

**DATE:** March 6, 2017

**SUBJECT: HOME Investment Partnerships Program Guidelines and Procedures Update**

Staff has updated the HOME Investment Partnerships Program Policy to coincide with the updated U.S. Department of HUD HOME Regulations 24 CFR Part 92 and the Uniform Requirements (Cost Principles and Audit Requirements for Federal Awards) 2 CFR Part 200. This also aligns this policy with other Genesee County Community Development policies.

Each of these regulations require written policies and procedures for particular items within the HOME program. Those requirements are incorporated into this one document.

At this time, the Allocation Committee is requesting a recommendation of approval of the amended HOME Investment Partnerships Program Policy to the Genesee County Board of Commissioners.



An Equal Opportunity Organization

Equal Housing Opportunity



Genesee County  
HOME Investment Partnerships (HOME) Program  
Guidelines  
&  
Procedures

Genesee County Metropolitan Planning Commission (GCMPC)  
Community Development Program

February 2017



1101 Beach Street, Room 223

Flint, Michigan 48502

**“An Equal Opportunity Organization”**

Website: [www.gcmpc.org](http://www.gcmpc.org)

Email: [gcmpc@co.genesee.mi.us](mailto:gcmpc@co.genesee.mi.us)

Phone: 810.257.3010

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# HOME Program Guidelines

## HOME Program Overview

Created under the National Affordable Housing Act of 1990 (NAHA) and last revised by final rule in July 2013, Title 24 Code of Federal Regulations Part 92 (24 CFR 92) implements the HOME Investment Partnerships Act (HOME Program). HOME Program funds are intended to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary and affordable housing with primary attention to rental housing for very low- and low-income households. The U.S. Department of Housing and Urban Development (HUD) allocates HOME Program funds annually by formula to eligible state and local governments.

Genesee County (as a designated Participating Jurisdiction or PJ) has received an annual allocation of HOME Program funding since 1992. The Genesee County Metropolitan Planning Commission (GCMPC) administers the HOME Program for Genesee County outside the City of Flint. Funding allocations vary annually depending on the amount of funding appropriated by Congress for the HOME Program. On average, allocations have been declining over the last ten years for Genesee County.

## Genesee County HOME Program Objectives

The intent of the Genesee County HOME Program is to:

- Provide and expand the supply of decent, safe, sanitary and affordable housing to households with annual incomes up to 80% of Area Median Income (AMI) as determined by HUD
- Strengthen public-private partnerships by working with entities that support affordable housing initiatives, both non-profit and for-profit developers, lenders and ultimately the individuals who gain access to affordable housing
- Promote single-family homeownership for persons of very low- to moderate-incomes and first time homebuyers

## Genesee County HOME Program Eligible Activities

Genesee County will use HOME Program funds to assist the following types of projects:

- Owner-Occupied Rehabilitation
  - Home Improvement Program (HIP) administered by GCMPC staff to assist qualified homeowners with home repairs
- Direct Homebuyer Assistance
  - Down payment assistance (DPA) for first-time homebuyers (has not owned a home within the last three years)
  - Provide mortgages to first-time homebuyers
  - Gap financing to assist homebuyers with the purchase price of a home (up to \$25,000)

- Homebuyer or Rental Housing
  - Rehabilitation of existing housing for sale or rent to qualified households
  - Construction of new housing for sale or rent to qualified households
  - Conversion of property to residential use for sale or rent to qualified households
  - Acquisition of existing structures or vacant land for new affordable housing
  - Eligible only when undertaken to produce HOME-assisted units:
    - Site Improvements
    - On-site infrastructure and off-site utility connections essential to project
    - Demolition
- Tenant-based rental assistance (TBRA)

## Definitions

For the full list of complete HOME Program definitions see 24 CFR 92.2.

**Commitment:** (1) The PJ has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) with a subrecipient or contractor to use a specific amount of HOME funds to produce affordable housing, provide down payment assistance or provide tenant-based rental assistance (2) has met the requirements to commit to a specific local project.

**Commit to a specific local project:** (1) The project consists of rehabilitation or new construction the PJ (or subrecipient) and project owner have executed a written legally binding agreement under which HOME assistance will be provided to the owner for an identifiable project for which all necessary financing has been secured, a budget and schedule have been established and underwriting has been completed and under which construction is scheduled to start within 12 months of the agreement date (2) If the project consists of acquisition of standard housing the PJ (or subrecipient) and the property owner have executed a legally binding contract for sale of an identifiable property and the property title will be transferred to the PJ (or subrecipient) within six months of the date of the contract (3) If the project consists of acquisition of standard housing and the PJ is providing funds to a family or a purchaser, and there is an executed written agreement under which HOME assistance will be provided and the property title will be transferred within six months of the agreement date (4) If the project consists of TBRA, the PJ (or subrecipient) has entered into a rental assistance contract with the owner or the tenant in accordance with the provisions of §92.209.

**Community Housing Development Organization (CHDO):** A private, nonprofit organization that meets the qualifications found in the HOME regulations at §92.2. A PJ must award at least 15% of its annual HOME allocation to CHDOs.

**First-time homebuyer:** An individual and his or her spouse who have not owned a home during the three-year period prior to purchase of a home with assistance under the American Dream Downpayment Initiative (ADDI). An individual shall not be excluded from consideration as a first-time homebuyer on the basis that the individual owns or owned, as a principal residence during the three-year period, a dwelling unit whose structure is not permanently affixed to a permanent foundation in accordance with local regulations.

**Homeownership:** Ownership in a fee simple title in a 1- to 4-unit dwelling or in a condominium unit or equivalent form of ownership approved by HUD.

**Housing:** Includes manufactured housing and manufactured housing lots, permanent housing for disabled homeless persons, transitional housing, single-room occupancy housing and group homes. Housing does not include emergency shelters or facilities such as nursing homes, convalescent homes, hospitals, residential treatment facilities correctional facilities, halfway houses, housing for students or dormitories.

**Low-income family:** Families whose annual incomes do not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. An individual does not qualify as a low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR 5.612.

**Participating Jurisdiction (PJ):** A jurisdiction that has been so designated by HUD in accordance with §92.105.

**Program Income:** Gross income received by the PJ (or subrecipient) directly generated from the use of HOME funds or matching contribution. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used.

**Project:** A site or sites together with any building or buildings located on the site(s) that are under common ownership, management and financing and are to be assisted with HOME funds as a single undertaking under this part. The project includes all the activities associated with the site and building. For TBRA, project means assistance to one or more families.

**Project Completion:** All necessary title transfer requirements and construction work have been performed; the project complies with all HOME requirements; the final drawdown of HOME funds has been disbursed for the project; and, project completion information has been entered into IDIS; for rental housing, project completion occurs upon completion of construction and before occupancy; for TBRA, project completion means the final drawdown has been disbursed for the project.

**Reconstruction:** The rebuilding, on the same lot, of housing standing on a site at the time of project commitment, except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction. The number of housing units on the lot may not be decreased or increased as part of a reconstruction project, but the number of rooms per unit may be increased or decreased. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing. Reconstruction is rehabilitation for purposes of this part.

**Single family housing:** A 1- to 4-family residence, condominium unit, cooperative unit, combination of manufactured housing and lot, or manufactured housing lot.

**Subrecipient:** A public agency or nonprofit organization selected by the PJ to administer all or some of the PJ's HOME programs to produce affordable housing, provide down payment assistance or provide TBRA. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of a housing project is not a subrecipient. The PJ's selection of a subrecipient is not subject to the procurement procedures and requirements.

**Tenant-based rental assistance:** A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. TBRA under this part also includes security deposits for rental of dwelling units.

**Uniform Physical Condition Standards (UPCS):** Uniform national standards established by HUD pursuant to 24 CFR 5.703 for housing that is decent, safe, sanitary and in good repair. Standards are established for inspectable items for each of the following areas: site, building exterior, building systems, dwelling systems and common areas.

**Very low-income family:** Low-income families whose annual income does not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR 5.612.

### Private-Public Partnership

Genesee County will make all reasonable efforts to maximize participation by the private sector in accordance with section 221 of the Act.

### Income Determination

Genesee County will use the same method to determine annual income initially, and for subsequent income determinations during the period of affordability regardless of project type (rental, homeowner rehabilitation, downpayment assistance, TBRA, etc.): examine at least two months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

Genesee County uses the definition of annual income as defined at 24 CFR 5.609 (except when determining the income of a homeowner for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of Net Family Assets, as defined in 24 CFR 5.603).

The HOME rents for very low-income families established under §92.252(b)(2) are based on adjusted income.

Only one definition may be used for each HOME-assisted program that it administers and for each rental housing project.

Genesee County will calculate the annual income of the family by projecting the prevailing rate of income of the family at the time the County determines that the family is income eligible. Annual income shall include income from all persons in the household. Income or asset enhancement derived from the HOME assisted project shall not be considered in calculating income.

Genesee County is not required to re-examine the family's income at the time the HOME assistance is provided, unless more than six months has elapsed since the income determination.

Genesee County will follow the requirements in §5.617 when making subsequent income determinations of persons with disabilities who are tenants in HOME-assisted rental housing or who receive TBRA.

## Eligible and Prohibited Activities

### Eligible Activities

Genesee County will use HOME funds to:

- Provide incentives to develop and support affordable rental housing and homeownership affordability through
  - Acquisition (including assistance to homebuyers)
  - New construction
  - Reconstruction or rehabilitation of non-luxury housing with suitable amenities, including related costs such as:
    - Real property acquisition (must be undertaken only if intended to provide affordable housing)
    - Site improvements
    - Conversion (is rehabilitation unless adding one or more units beyond the existing walls, in which case the project is considered new construction)
    - Demolition (must be undertaken only if intended to provide affordable housing)
    - Other expenses including
      - Financing costs
      - Relocation expenses of any displaced persons, families, businesses or organizations
- Provide TBRA, including security deposits
- Provide payment of reasonable administrative and planning costs
- Provide for the payment of operating expenses of CHDOs
- Invest HOME funds as
  - Interest-bearing loans or advances
  - Non-interest-bearing loans or advances
  - Deferred payment loans
  - Grants
  - Other forms of assistance consistent with the purposes of this part, as approved by HUD

All housing must be permanent or transitional housing.

Each PJ has the right to establish the terms of assistance, subject to the requirements of the HOME regulations.

The minimum amount of HOME funds that must be invested in each project is \$1,000 per HOME-assisted unit.

### Eligible Project Costs

HOME funds may be used to pay for the following costs:

- Acquisition costs
- Community Housing Development Organization (CHDO) costs
- Costs relating to payment of loans
- Development hard costs
- Refinancing costs
- Related soft costs
- Relocation costs
- Tenant-based rental assistance (TBRA)

**Acquisition Costs:**

- Costs of acquiring improved or unimproved real property
- Acquisition of vacant land and/or demolition can only be undertaken for particular housing project intended to provide affordable housing
- Costs to make utility connections or to make improvements to the project site
- Loans, mortgages and grants may be used to assist homebuyers with acquisition

**CHDO Costs:**

Genesee County may provide HOME funds for the following project-specific costs:

- Technical assistance
- Site control loans
- Costs necessary to determine project feasibility (including costs of an initial feasibility study)
- Consulting fees
- Costs of preliminary financial applications
- Legal fees
- Architectural fees
- Engineering fees
- Option to acquire property
- Site control
- Title clearance

General operational expenses of the CHDO are not allowable costs.

Genesee County may use up to 5% of each year's HOME allocation for the operating expenses of CHDOs. This amount is in addition to the CHDO set-aside requirement. Operating expenses means reasonable and necessary costs for the operation of the CHDO, including:

- Salaries, wages and other employee compensation and benefits
- Employee education, training and travel
- Rent
- Utilities
- Communication costs
- Taxes
- Insurance
- Equipment, materials and supplies

**Development Hard Costs:**

Genesee County will use HOME funds to pay for the actual cost of constructing or rehabilitating housing, including:

- New Construction - costs to meet new construction standards
- Rehabilitation - costs to meet the property standards for rehabilitation
- Demolition of existing structures
- Utility connections including off-site connections from the property line to the adjacent street
- Improvements to the project site that are keeping with the improvements of surrounding, standard projects
  - On-site roads
  - Sewer and water lines
- Costs to construct or rehabilitate laundry and community facilities that are located within the same building as the housing and are for use by residents and their guests

#### **Related Soft Costs:**

Genesee County will use HOME funds to pay for other reasonable and necessary costs incurred by the owner or the County associated with financing and/or development of new construction, rehabilitation or acquisition of housing being assisted with HOME funds. These costs may include:

- Architectural and engineering services
- Preparation of plans, drawings, specifications or work write-ups
- Costs to process and settle financing for a project
  - Private lender origination fees
  - Credit reports
  - Fees for title evidence
  - Fees for recordation and filing of legal documents
  - Building permits
  - Attorney fees
  - Private appraisal fees
  - Fees for independent cost estimate
  - Builders or developers fees
- Costs of a project audit
  - Certification of costs performed by a certified public accountant
- Costs to provide information services
  - Affirmative marketing
  - Fair housing information to prospective homeowners and tenants
- Staff and overhead costs of the PJ
  - Work specification preparation
  - Loan processing inspections
  - Other services related to assisting potential owners, tenants and homebuyers
    - Housing counseling
- Impact fees
- Costs of environmental review and release of funds related to the project

#### **Relocation Costs:**

Genesee County will pay costs of relocation payments and other relocation assistance to persons displaced by the project. These costs include:

- Replacement housing payments
- Payments for moving expenses
- Payments for reasonable out-of-pocket costs incurred in the temporary relocation of persons

**Tenant-Based Rental Assistance:**

Genesee County will pay tenant based rental assistance costs which include:

- Rental assistance
- Security deposit payments
- Utility deposit assistance
- Costs of inspecting the housing
- Costs of determining the income eligibility of the family

**Administrative and Planning Costs**

Genesee County will utilize up to 10% of each year's HOME allocation, plus up to 10% of program income for reasonable administrative and planning costs of the HOME program. Reasonable administrative and planning costs include:

- Overall program management, coordination, monitoring and evaluation
  - Salaries, wages and related staff costs
    - Genesee County will charge costs allocable to the program using a prorated share of the salary, wages and related costs of each person whose job includes any program administration assignments
  - Travel costs incurred for official business in carrying out the program
  - Administrative services performed under third party contracts or agreements
    - General legal services
    - Accounting services
    - Audit services
  - Goods and services required for administration of the program
    - Rental or purchase of equipment
    - Insurance
    - Utilities
    - Office supplies
    - Rental and maintenance of office space
  - Costs of administering tenant-based rental assistance programs
- Staff and overhead costs
  - Work specifications preparation
  - Loan processing
  - Inspections
  - Lead-based paint evaluations (visual assessments, inspections, risk assessments)
  - Other services related to assisting potential owners, tenants and homebuyers



- Housing counseling
- Costs directly related to providing advisory and other relocation services
  - Timely written notices to occupants
  - Referrals to comparable and suitable replacement property
  - Property inspections
  - Counseling
  - Other assistance necessary to minimize hardship
- The provision of information and other resources to residents and citizen organizations participating in the planning, implementation or assessment of projects being assisted with HOME funds
- Activities to affirmatively further fair housing in accordance with the County's certification under 24 CFR 91
- Indirect costs may be charged to the HOME program under a cost allocation plan prepared in accordance with 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements), as may be amended, as applicable
- Preparation of the consolidated plan
  - Costs of public hearings
  - Consultations
  - Publication
- Costs of complying with all Federal requirements in subpart H
  - Project specific environmental review costs may be charged as administrative costs or project costs in accordance with §92.206(d)(8) at the discretion of the County
- Costs specified under §92.254(a)(9), preserving affordable housing already assisted with HOME funds, may be charged as an administrative cost or may be charged to the project as provided
- Foreclosure costs of a HOME-assisted rental housing unit project with a HOME loan in default

### Prohibited Activities and Fees

Genesee County will not allow HOME funds to be used for the following activities and/or fees:

- Project reserve accounts, except as provided in §92.206(d)(5) or operating subsidies
- Provide TBRA for the special purposes of the existing Section 8 program
- Provide non-federal matching contributions required under any other Federal program
- Provide assistance for uses authorized under section 9 of the 1937 Act (Public Housing Capital and Operating Funds)
- Provide assistance to eligible low-income housing under 24 CFR 248 (Prepayment of Low Income Housing Mortgages), except that that assistance may be provided to priority purchasers as defined in 24 CFR 248.101
- Provide assistance to a project previously assisted with HOME funds during the period of affordability (additional HOME funds may be committed to a project for up to one year after project completion, so long as the amount of HOME funds does not exceed the per-unit subsidy maximum)

- Pay for the acquisition of property owned by Genesee County, except for property acquired by the County with HOME funds, or property acquired in anticipation of carrying out a HOME project
- Pay delinquent taxes, fees or charges on properties to be assisted with HOME funds
- Genesee County (or subrecipients or CHDOs) may not charge servicing, origination or other fees for the purpose of covering administration costs, except:
  - The County may charge owners of rental projects reasonable annual fees for compliance monitoring during the period of affordability. The fees must be based upon the average actual cost of monitoring. The basis for determining the amount for the fee amount must be documented and the fee must be included in the costs of the project as part of project underwriting
  - The County (or subrecipients) may charge nominal application fees to project owners to discourage frivolous applications
  - The County (or subrecipients) may charge homebuyers a fee for housing counseling
- The County will prohibit project owners from charging fees that are not customarily charged in rental housing, except that rental project owners may charge:
  - Reasonable application fees to prospective tenants
  - Parking fees to tenants, if customary for the neighborhood
  - Fees for services such as bus transportation or meals, as long as the services are voluntary and fees are charged for services provided

### Tenant-Based Rental Assistance

Genesee County will include a certification of TBRA in its Consolidated Plan, as long as local market conditions indicate a need.

Genesee County will work with a local agency to administer and implement the TBRA program. The local agency must submit written tenant selection policies and criteria that are based on local housing needs and priorities, as determined in the Consolidated Plan. The tenant selection policies and criteria must be approved by Genesee County prior to signing a contract.

The designated local agency will be responsible for ensuring that TBRA is provided only to very low- and low-income families both prior to the initial assistance and annually thereafter.

TBRA clients are required to participate in a self-sufficiency program as a condition of selection for assistance.

Genesee County TBRA requires the family to use the assistance within Genesee County, outside the Cities of Clio, Davison and Flint and the Village of Lennon.

Genesee County TBRA will be available for a term of 12 months, with an option to renew for additional 12 months. The max term any one family is eligible for TBRA is 24 months.

The designated local agency and Genesee County must disapprove a lease if the rent is not reasonable, based on rents that are charged for comparable unassisted units. The lease must also be reviewed to ensure it complies with the requirements in §92.253 (a) and (b).

The amount of monthly assistance may not exceed the difference between the rent standard and 30% of the family's monthly adjusted income. Genesee County will use local market conditions to determine the rent standard.

Genesee County does not require a minimum tenant contribution toward rent.

Genesee County will conduct an inspection prior to providing assistance to ensure the housing unit meets Housing Quality Standards, and the unit will be re-inspected annually while assistance is being provided.

The maximum security deposit may not exceed the equivalent of two month's rent for the housing unit.

Genesee County TBRA funds will be paid directly to the landlord and not to the tenant.

### Matching Requirements

Beginning in 2005, Genesee County began providing the local match requirement for HOME assisted activities from the cumulative surplus match that was generated through Payment in Lieu of Taxes (PILOT) from local units of government, and from donations from participating financial lending institutions. Genesee County will continue to utilize the surplus amount of funds as match on HOME funded projects until they have been depleted.

If a project is submitted with matching funds it will be looked upon more favorably during the review process than those projects that do not leverage additional funds. New matching funds will be added to the cumulative match funds and may be utilized by future projects that are unable to bring in the full 25% requirement on their own.

### Property Standards

#### New Construction

Housing that is newly constructed using Genesee County HOME funds must meet all applicable state and local codes, ordinances and zoning requirements. The homes must be constructed according to the accessibility requirements of 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act. Qualifying multifamily dwellings must also meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act.

Construction contracts and specifications must describe the work to be undertaken in enough detail so that inspections can be conducted. Genesee County will review and approve written cost estimates for construction and will determine that costs are reasonable.

Genesee County will conduct regular construction inspections as work progresses and will also complete a final inspection to ensure the work is done in accordance with the applicable codes, the construction contract, and construction documents.

#### Rehabilitation

Genesee County has established rehabilitation standards for all HOME-assisted housing rehabilitation activities. These standards are in sufficient detail to determine the required rehabilitation work including method and materials. Standards include following HUD and state of Michigan Lead Based Paint requirements and methods, following State and local rehab codes, local ordinances including zoning ordinances, and making the homes energy efficient.

The construction documents must describe the work to be undertaken in enough detail so that inspections can be conducted. Genesee County will review and approve written cost estimates for construction and will determine that costs are reasonable.

Genesee County will conduct an initial property inspection to ensure that all deficiencies will be addressed as outlined in the construction documents. Progress and final inspections will also be completed to ensure the work is done in accordance with the work write-ups.

### **Acquisition of Standard Housing**

Existing housing that is acquired with HOME assistance for rental housing must meet the rehabilitation standards outlined above and Genesee County will document compliance based on an inspection conducted within 90 days of the HOME commitment. If the property does not meet these standards, HOME funds cannot be used unless the property is rehabilitated to meet the standards.

Existing housing that is acquired for homeownership (down payment assistance) must be decent, safe, sanitary and in good repair. Genesee County uses the Housing Quality Standards (HQS) (24 CFR 982.401) to determine what is decent, safe, sanitary and in good repair. Genesee County will document compliance based on an inspection conducted within 90 days of the HOME commitment. If the property does not meet these standards, HOME funds cannot be used unless the property is rehabilitated to meet the standards.

### **Housing Occupied by Tenants receiving Tenant-Based Rental Assistance**

Genesee County requires that housing to be occupied by tenants receiving TBRA be inspected prior to providing assistance. The units must meet the Housing Quality Standards (HQS) (24 CFR 982.401, or the successor requirements as established by HUD) performance requirements both at commencement of assisted occupancy and throughout assisted tenancy.

### **Manufactured Housing**

In HOME-funded rehabilitation of existing manufactured housing the foundation and anchoring must meet all applicable state and local codes, ordinances and requirements. The housing must meet the standards identified in the Rehabilitation section above.

### **Rental Housing (Ongoing Condition Standards)**

Genesee County utilizes HQS performance requirements as the property standards for rental housing that apply throughout the affordability period. The standards ensure that owners maintain the housing as decent, safe and sanitary housing in good repair. Genesee County will conduct annual inspections of rental housing throughout the affordability period. The inspections follow the County's policy of using HQS requirements for ongoing rental housing condition standards. Letters are sent to property owners and/or managers detailing procedures

for ensuring timely corrective actions are taken by the project owner to address identified deficiencies.

### Maximum Subsidy, Underwriting and Subsidy Layering

The maximum amount of HOME-funds Genesee County can invest on a per-unit basis in affordable housing changes regularly and will be documented by Genesee County as changes are announced.

Genesee County will evaluate each proposed HOME-funded project to determine a reasonable level of profit or return on owner's or developer's investment in a project. Genesee County will not invest more HOME funds, alone or in combination with other governmental assistance, than is necessary to provide quality affordable housing that is financially viable, at least as long as the affordability period and that will not provide a profit or return on the owner's or developer's investment that exceeds the County's standards for the size, type and complexity of the project. This will be reviewed on a case by case basis.

The standards include an examination of the sources and uses of funds and a determination that the costs are reasonable. An assessment of the current market demand, the experience of the developer, the financial capacity of the developer and firm written financial commitments for the project will also be reviewed.

Genesee County does not use an amortizing loan for owner-occupied rehabilitation projects therefore an underwriting analysis is not required on such projects.

### Affordability Period

HOME regulations allow Genesee County the option of imposing either resale or recapture requirements on HOME funds expended in order to ensure the affordability period of units assisted with HOME funds. Genesee County will utilize the recapture provision in accordance with HOME regulations found under §92.254(5)(ii)(A)(1-7) where applicable to the following activities: Down Payment Assistance (DPA); New Single Family Construction; Single Family Rehabilitation; Owner-Occupied Single Family Rehabilitation (HOME HIP); and, New Rental Housing (both multi-family and single family rental housing).

The County will follow the recapture requirements by utilizing the following options acceptable to HUD on a project by project basis:

- If the family or organization defaults on any portion of the contract, the County can recapture the entire amount of the HOME investment
- If the affordability period of the loan is met and no other portion of the contract is in default, the reduction during affordability period of the HOME investment to be recaptured is utilized in accordance with the loan promissory note
- If ownership of a property is transferred to anyone other than an eligible low-income resident throughout the period of affordability, the reduction during affordability period of the HOME investment to be recaptured is utilized in accordance with the loan promissory note

Genesee County's affordability requirements are:

Amount of Investment / Type of Activity	Minimum Period of Affordability in Years
Less than \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years
New construction / Rental	20 years

### Converting Rental Units to Homeownership Units

At the discretion of Genesee County, the owner of HOME-assisted rental units may convert the rental units to homeownership units by selling, donating or otherwise conveying the units to existing tenants to enable the tenants to become homeowners in accordance with the requirements of §92.254. Refusal by the tenant to purchase the unit does not constitute grounds for eviction or for failure to renew the lease.

If no additional HOME funds are used to enable the tenants to become homeowners, the homeownership units are subject to a minimum period of affordability equal to the remaining affordability period as if the units continued as rental units. If additional HOME funds are used to directly assist the tenants to become homeowners, the minimum period of affordability is revised, based on the amount of direct homeownership assistance provided and in accordance with §92.254(a)(4).

### Community Housing Development Organization (CHDO) Set-Aside

Within 24 months of the date HUD notifies Genesee County of the execution of the HOME agreement, Genesee County will reserve at least 15% of the HOME allocation for investment in housing to be owned, developed or sponsored by community housing development organizations (CHDOs).

Genesee County will be responsible for certifying and documenting that the organization meets the definition of CHDO and has the capacity to own, develop or sponsor housing each time the County commits funds to the organization.

Funds are reserved when Genesee County enters into a written agreement with the CHDO for a specific local project.

Genesee County, at its discretion, may allow up to 10% of the HOME funds reserved under the CHDO set-aside to be used for project-specific assistance to CHDOs. This may include providing technical assistance and site control loans to CHDOs in the early stages of site development. General operational expenses of the CHDO are not allowable.

Genesee County, at its discretion, may use up to 5% of its total yearly HOME allocation for the operating expenses of CHDOs. This amount is in addition to the required 15% CHDO set-aside. Funds cannot be used to pay operating expenses incurred by a CHDO acting as a subrecipient or contractor under the HOME Program. Operating expenses mean reasonable and necessary costs for the operation of the CHDO. Costs may include: salaries, wages and other employee

compensation and benefits; employee education, training and travel; rent; utilities; communication costs; taxes; insurance; equipment; materials; and, supplies.

In order to be eligible to receive CHDO operating funds, Genesee County must expect to enter into a written agreement for CHDO set-aside funds within 24 months of the date of receiving the operating expense funds.

Genesee County is required to ensure that a CHDO does not receive HOME funding for any fiscal year in an amount that provides more than 50% or \$50,000, whichever is greater, of the CHDO's total operating expenses in that fiscal year. This also includes organization support and housing education, as well as funds for operating expenses.

### Environmental Review

Genesee County HOME-funded projects will be reviewed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and related authorities. No funds will be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification.

### Affirmative Marketing

Genesee County requires that each CHDO/developer/sponsor/owner be responsible for submitting an affirmative marketing plan prior to entering into an agreement for HOME funds. Affirmative marketing plans include actions to provide information and attract eligible persons to the available housing without regard to race, color, national origin, sex, religion, familial status or disability. In cases where the County permits a rental project to limit tenant eligibility (senior housing for example) the marketing plan must apply within that context.

Each Genesee County HOME-funded project must also have an affirmative marketing plan.

Each plan must include: methods for informing the public, owners and potential tenants about federal fair housing laws and Genesee County's affirmative marketing policy; the type of commercial media to be used, if any, the use of community contacts, the Equal Housing Opportunity logo, etc; procedures to be used to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing program or the housing without special outreach; records that will be kept describing actions taken by Genesee County and subrecipients and owners to affirmatively market the program and units and records to assess the results of these actions; and, how Genesee County will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met. Genesee County requires all HOME funded projects to show that minority outreach was a main component of the affirmative marketing plan.

### Displacement and Relocation

Genesee County does not displace persons as a result of a project assisted with HOME funds. The County avoids projects that will permanently displace families, individuals, businesses, nonprofit organizations and farms.



However, in some cases, specifically in HOME HIP projects owner-occupants may be required to relocate temporarily while certain work is performed at the home. Work in owner-occupied housing does not trigger URA; and therefore, Genesee County has determined that no relocation assistance will be provided unless there is a documented hardship.

## Labor Standards

Contracts for construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring that prevailing wage rates be paid to all laborers and mechanics employed in the development of the housing. The contracts will also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701).

The labor provisions must be included in the construction contract if HOME funds will be used for any project costs, including construction or non-construction costs, of housing with 12 or more HOME-assisted units. The wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding the wage provisions is not permitted.

Genesee County shall be responsible for ensuring compliance with labor standards by: ensuring bid and contract documents contain required labor standards provisions and the appropriate Department of Labor wage determinations; conducting on-site inspections and employee interviews; collecting and reviewing certified weekly payroll reports; correcting all labor standards violations promptly; maintaining documentation of administrative and enforcement activities; and, requiring certification to compliance with the provisions of this section before making any payment under such contracts.

## Cross Cutting

### Lead Based Paint

Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and implementing regulations at part 35, subparts A, B, J, K, M and R of CFR 24.

### Conflict of Interest

Any employee, agent, consultant, officer or elected or appointed official of Genesee County or a subrecipient receiving HOME funds may not obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties during their tenure or for one year after. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person.



No owner, developer or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor or immediate family members of those previously mentioned) may occupy a HOME-assisted affordable housing unit in a project during the required period of affordability. Funded agencies shall have an internal Conflict of Interest Policy.

## Program Administration

### HOME Investment Trust Fund

Genesee County utilizes a local HOME Investment Trust Fund account which includes deposits of HOME funds disbursed from the Treasury account, the deposit of any state funds or local funds that enable Genesee County to meet the participating threshold amount, any program income and any repayments or recaptured funds. The account is interest-bearing.

### Reporting (IDIS)

All HOME projects are set up, funded and tracked through HUD's IDIS system.

### Program Income

Any program income received as a result of HOME-assisted projects must be deposited into Genesee County's HOME Investment Trust Fund unless a subrecipient is permitted to retain the program income for additional HOME projects.

### Recordkeeping

Genesee County will establish and maintain sufficient records to enable HUD to determine if the County has met the requirements of the HOME regulations.

### Written Agreements

Prior to disbursing any HOME funds to any entity, Genesee County will enter into a written agreement with them. Agreements will meet the minimum requirements as outlined in 24 CFR 92.504 and 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements), as may be amended.

A HOME assisted project that is terminated before completion, either voluntarily or involuntarily, constitutes an ineligible activity, and the PJ must repay any HOME funds invested in the project to the PJ's HOME Investment Trust Fund. A project that does not meet the requirements for affordable housing must be terminated and the PJ must repay all HOME funds invested in the project to the PJ's HOME Investment Trust Fund.

If a project is not complete within four years of the date of the commitment, the project is considered to be terminated and the PJ must repay all funds invested in the project to the PJ's HOME Investment Trust Fund. The PJ may request a one-year extension of this deadline in writing.

# HOME Program Procedures for Genesee County

## HOME Applications

HOME applications to be made available September/October with a due date of November/December

- Review and update both HOME Program and CHDO applications as necessary (examples here: [K:\cd\HOME\2017\HOME Application - 2017.docx](#) and [K:\cd\HOME\2017\CHDO APPLICATION - 2017.docx](#))
- HOME applications should be sent directly to past applicants in good standing and any other known interested agencies
- A notice of funding availability will be published in the newspaper (or on MLive)
- Additional outreach may include a notice on [www.gcmpc.org](http://www.gcmpc.org) or a post on Facebook
- Meet with agencies only as requested
- Review Applications
  - Check for all required documents
  - Complete a Risk Assessment of agency [K:\cd\HOME\2017\2017 Risk Assessment.docx](#)
  - Call and request any missing documents
  - Complete subsidy layering and underwriting analysis to ensure project costs are reasonable and necessary
  - Review market study to determine project need
  - If application submitted by a CHDO, complete review of CHDO application
    - Use [K:\cd\HOME\2017\CHDO CHECKLIST.docx](#) to determine if all required documents have been submitted
- Score HOME application using methodology outlined within the application (sample score sheet: [K:\cd\HOME\2016\2016 HOME app score sheet.xlsx](#))
  - Have at least three staff review the applications for HOME funding and score
- Based on the results of the scoring and the priorities identified in the Con Plan, recommend agencies to fund and how much to the Principal Planner
- Funded projects shall be included at the Genesee County Public Needs Hearing with the Community Development Block Grant projects if possible
- All HOME projects must follow the HUD requirements and Genesee County Public Participation Plan for inclusion in the Consolidated Plan or Annual Action Plan
- Environmental Reviews for eligible projects are to be completed and release of funds before contracts are signed

## Prepare Contracts

- Draft contracts updating as necessary (sample contract: [K:\cd\HOME\2016\Habitat for Humanity\CHDO Agreement - CONTRACT.docx](#))
- All contracts must include:
  - HUD contract provisions: [K:\cd\CONTRACTS\CONTRACT fed req attachment.docx](#)

- Language that the entity will comply with the “Uniform Requirements (2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as may be amended)”
- Language that the entity agrees to register and remain active on SAM.gov, renewing each year while under contract
- Make sure all entities are registered in SAM.gov prior to signing contracts
- Sign two original contracts, one for us, one for entity

## Bid Process

- Subrecipients are not required to use a formal bid process to procure goods, services or contractors, however if they choose to or it is required as part of their contract, staff will provide assistance using the guidelines set forth in the CDBG staff guide

## Ensure Project Compliance

- Verify entity and any contractors working on the project are not on Excluded Parties List System
- Attend pre-construction meeting (may not be necessary if working with an entity experienced with Genesee County HOME projects)
- Work closely with entities to ensure projects are completed in a timely manner

## Reimbursement Requests

- When received, reimbursement requests are given to the Planner assigned to the project
- Review reimbursement request to ensure request includes only allowable costs according to the scope of the contract, HOME Program regulations, and 2 CFR Part 200
  - Documentation should include a copy of the invoice/receipt, lien waiver and proof of payment for each item included in the request.
  - Requests that include late payment charges or late payment interest are not allowable costs and must be denied.
  - A sworn statement must be included with each reimbursement request.
- Fill out a Home Program Reimbursement Request form to be included in submittal to Principal Planner for approval (a sample form is here: <K:\cd\HOME\2015\Habitat for Humanity\reimb request form.xlsx>)
- Enter payment amount and brief description into a Blue Book page for Planner tracking purposes (a sample blue book page is here: <K:\cd\HOME\2015\Habitat for Humanity\Blue Book Page.xlsx>)
- Include a letter to go with the check if it is either the final payment or if any portion of the request is denied/alterd. Include the letter with the submittal to the Principal Planner and give another to the CD Secretary. Note on the reimbursement request that there is a letter to be mailed with the check.
- Submit completed reimbursement request to the Principal Planner after 1) it has been reviewed completely, 2) a reimbursement request form has been completed, 3) a blue book entry has been added and, 4) a letter, if necessary, has been drafted and provided to the required parties.

- All payments must be certified by the Director per 2 CFR Part 200.

## Contract Amendments

- To change a project completion date, scope of work or any other changes or additions, a contract amendment must be prepared
  - Principal Planner shall review, approve and sign any amendments (sample amendment here: <K:\cd\HOME\2014\Habitat for Humanity\CHDO Agreement - CONTRACT Amendment.docx>)
- Sign two original contract amendments, one for us, one for entity

## IDIS

<https://idis.hud.gov/>

To Enter Performance Data:

- Click on Plans/Projects/Activities at top of page
- Enter IDIS Activity ID for project, click search
- When the activity information appears, click “Edit” under the Action title
- When the Edit Activity screen appears, click “Edit HOME Accomp” under the Accomplishments title
- Select a year for the “Accomplishments for Program Year” area, if one has not already been selected (use the HOME PY during which the activity was completed)
- Enter “Completion Narrative” (how many units, households/seniors/special needs were assisted, where, etc.)
- Enter “Completion Activity Type” and “Property Type” using the dropdown menu
- Enter “Total Completed Units” (total units in project regardless of funding source) and “HOME-Assisted Units” (number of units funded with HOME/with affordability period)
  - Enter the number of units energy star certified and section 504 accessible
- Enter “Total Years of Affordability” if period of affordability is longer than regulatory minimum
- Click “Save and Continue”
- Click “Add New Address”
- Under “Location” tab
  - Enter information associated with a particular property including homebuyer name, address, lead paint details, FHA insured, first-time homebuyer, etc.
- Click on the “Costs” tab
  - Enter Purchase Price and HOME Property Costs, HOME Downpayment Assistance, Public Funds and Private Funds
- Click on the “Beneficiaries” tab
  - Enter number of bedrooms, type of occupant, % of median income, Hispanic/Latino, race, size, type, assistance type and total monthly rent
- Click “Save” or “Save and Add New Address” if additional units need to be entered

To Close-Out a Project (Verify that funding in IDIS matches funding in the Blue Book before closing projects out):

- Click on Plans/Projects/Activities at top of page
- Enter IDIS Activity ID for project, click search
- When the activity information appears, click “Edit” under the Action title
- When the Edit Activity screen appears, check to make sure the performance data is up to date
- Click on “Check HOME” under the Completion Check title
- If the pathway is incorrect, IDIS will instruct you on what additional information is needed
- If the pathway is correct, click on the drop down tab under “Activity Status” and select “Completed” and enter a “Completion Date”

### Subrecipient Monitoring

- Subrecipient monitoring should be scheduled annually
- Notification Letters should be sent out prior to scheduling meetings (sample letter: <K:\cd\HOME\2015\PY 2015 Monitoring\Non-Rental\Sample Initial Letter.docx>)
- If the agency does not contact office to schedule a monitoring visit by the date cited in the letter, call to schedule visit
- Monitor all projects for the program year covered under the monitoring
  - Use appropriate Exhibits/Checklists for the HOME Program to guide monitoring visit (<https://www.hudexchange.info/resource/2467/home-monitoring-tools/> and/or [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/cpd/6509.2](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/6509.2))
  - Ensure all back-up documentation, reimbursement requests, contracts, etc. are in project files
- After monitoring visits, a follow-up letter should be sent to the agency(ies) explaining the results of the visit
- Agency must address any concerns or findings within the time allowed, staff clears concerns or findings or requests additional information

Additional information: <K:\cd\MONITOR>

**MEMORANDUM**

**TO:** Commissioner David Martin, Chairperson  
Community and Economic Development Committee

**FROM:** Derek Bradshaw, Director-Coordinator  
Genesee County Metropolitan Planning Commission

**DATE:** March 6, 2017

**SUBJECT: Recycle Day Site Agreements**

Genesee County Metropolitan Planning Commission annually works with several local organizations to provide household hazardous waste (HHW) disposal and collection services to the residents of Genesee County for items that are difficult to recycle or dispose of. Examples of items collected include oil, gas, medication, tires, electronics and appliances. The events for the 2017 calendar year are scheduled at the following dates and locations from 10:00 a.m. to 2:00 p.m.

May 13<sup>th</sup> – Davison High School  
August 26<sup>th</sup> – Flushing High School  
October 21<sup>st</sup> – Bentley High School

Attached you will find a copy the Site Agreement for each location. The agreements have been sent to Genesee County Corporation Council, as well as to each school for review. The language of each agreement will substantially conform to that of the attached agreement.

Staff is requesting that the Community and Economic Development Committee approve the Site Agreements for each of the Community Schools for the 2017 Recycle Day Events and approve Commissioner Young to sign the Agreements.



An Equal Opportunity Organization

Equal Housing Opportunity



**HOUSEHOLD HAZARDOUS WASTE COLLECTION  
SITE AGREEMENT**

This Household Hazardous Waste Collection Site Agreement (the "Agreement") is between Genesee County, a Michigan municipal corporation (the "County"), and **Davison Community Schools**, a Michigan community school district (the "Owner").

1. The Owner is the owner of the real property located at 1250 N. Oak Road, Davison, MI 48423 (the "Property").
2. The Owner agrees to permit the County to conduct a Household Hazardous Waste Collection / Recycle Day (the "Event") at the Property on May 13, 2017.
3. The County shall contract with a licensed hazardous waste hauler (the "Waste Hauler") to set up, organize and conduct the Event. The name and qualifications of the Waste Hauler shall be provided to Owner by the County at least fourteen (14) days prior to the date of the Event.
4. The County's contract with the Waste Hauler shall include the following provisions:
  - a. A requirement that the Waste Hauler indemnify the County and the Owner from all action, claims, damages, costs, losses or liability of any kind arising out of the Waste Hauler's performance under the contract.
  - b. A requirement that the Waste Hauler obtain and maintain the insurance coverage described on the Insurance Checklist attached as Exhibit A.

The County will provide to Owner a copy of the contract with the Waste Hauler and any insurance certificates provided by the Waste Hauler to the County upon request.

5. Each party to this Agreement will remain responsible for any claims arising out of that party's performance of this Agreement, as provided for in this Agreement or by law. This Agreement is not intended to either increase or decrease either party's liability for or immunity from tort claims. This Agreement is not intended to nor will it be interpreted as giving either party a right of indemnification either by contract or at law for claims arising out of the performance of this Agreement.

The Parties hereby agree to the terms described above by having this Agreement executed by their duly authorized officers.

**FOR THE COUNTY**

\_\_\_\_\_  
Mark Young, Chairperson  
Genesee County Board  
of Commissioners

**FOR THE OWNER**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Household Hazards Waste Collection  
Site Agreement

EXHIBIT A  
Insurance Requirements

GENESEE COUNTY INSURANCE CHECKLIST  
Household Hazardous Waste Collection Services

Coverages Required	Limits (Figures denote minimums)
<u>X</u> 1. Workers' Compensation	Statutory limits of Michigan
<u>X</u> 2. Employers' Liability	\$100,000 accident/disease \$500,000 policy limit, disease
<u>X</u> 3. General Liability	Including Premises/operations \$1,000,000 per occurrence with \$2,000,000 aggregate
<u>X</u> 4. Automobile liability	\$1,000,000 combined single limit each accident- Owned, hired, non- owned
<u>X</u> 5. Umbrella liability/Excess Coverage	\$3,000,000 BI & PD and PI
<u>X</u> 6. Genesee County named as an additional insured on other than workers' compensation via endorsement. A copy of the endorsement or evidence of blanket Additional Insured language in the policy must be included with the certificate.	
<u>X</u> 7. Other insurance required: Pollution Liability including transport and disposal of collected materials \$5,000,000	
<u>X</u> 8. Best's rating: A VIII or better, or its equivalent (Retention Group Financial Statement)	
<u>X</u> 9. The certificate must state bid number and title	



**HOUSEHOLD HAZARDOUS WASTE COLLECTION  
SITE AGREEMENT**

This Household Hazardous Waste Collection Site Agreement (the "Agreement") is between Genesee County, a Michigan municipal corporation (the "County"), and **Flushing Community Schools**, a Michigan community school district (the "Owner").

1. The Owner is the owner of the real property located at 50139 Deland Road, Flushing, MI 48433(the "Property").
2. The Owner agrees to permit the County to conduct a Household Hazardous Waste Collection / Recycle Day (the "Event") at the Property on August 26, 2017.
3. The County shall contract with a licensed hazardous waste hauler (the "Waste Hauler") to set up, organize and conduct the Event. The name and qualifications of the Waste Hauler shall be provided to Owner by the County at least fourteen (14) days prior to the date of the Event.
4. The County's contract with the Waste Hauler shall include the following provisions:
  - a. A requirement that the Waste Hauler indemnify the County and the Owner from all action, claims, damages, costs, losses or liability of any kind arising out of the Waste Hauler's performance under the contract.
  - b. A requirement that the Waste Hauler obtain and maintain the insurance coverage described on the Insurance Checklist attached as Exhibit A.

The County will provide to Owner a copy of the contract with the Waste Hauler and any insurance certificates provided by the Waste Hauler to the County upon request.

5. Each party to this Agreement will remain responsible for any claims arising out of that party's performance of this Agreement, as provided for in this Agreement or by law. This Agreement is not intended to either increase or decrease either party's liability for or immunity from tort claims. This Agreement is not intended to nor will it be interpreted as giving either party a right of indemnification either by contract or at law for claims arising out of the performance of this Agreement.

The Parties hereby agree to the terms described above by having this Agreement executed by their duly authorized officers.

**FOR THE COUNTY**

\_\_\_\_\_  
Mark Young, Chairperson  
Genesee County Board  
of Commissioners

**FOR THE OWNER**

\_\_\_\_\_  
Name:\_\_\_\_\_  
Title:\_\_\_\_\_

Household Hazards Waste Collection  
Site Agreement

EXHIBIT A  
Insurance Requirements

GENESEE COUNTY INSURANCE CHECKLIST  
Household Hazardous Waste Collection Services

Coverages Required	Limits (Figures denote minimums)
<u>  X  </u> 1. Workers' Compensation	Statutory limits of Michigan
<u>  X  </u> 2. Employers' Liability	\$100,000 accident/disease \$500,000 policy limit, disease
<u>  X  </u> 3. General Liability	Including Premises/operations \$1,000,000 per occurrence with \$2,000,000 aggregate
<u>  X  </u> 4. Automobile liability	\$1,000,000 combined single limit each accident- Owned, hired, non- owned
<u>  X  </u> 5. Umbrella liability/Excess Coverage	\$3,000,000 BI & PD and PI
<u>  X  </u> 6. Genesee County named as an additional insured on other than workers' compensation via endorsement. A copy of the endorsement or evidence of blanket Additional Insured language in the policy must be included with the certificate.	
<u>  X  </u> 7. Other insurance required: Pollution Liability including transport and disposal of collected materials \$5,000,000	
<u>  X  </u> 8. Best's rating: A VIII or better, or its equivalent (Retention Group Financial Statement)	
<u>  X  </u> 9. The certificate must state bid number and title	

## HOUSEHOLD HAZARDOUS WASTE COLLECTION SITE AGREEMENT

This Household Hazardous Waste Collection Site Agreement (the "Agreement") is between Genesee County, a Michigan municipal corporation (the "County"), and **Bentley Community Schools**, a Michigan community school district (the "Owner").

1. The Owner is the owner of the real property located at 1150 N Belsay Road, Burton, MI 48509 and 1180 N Belsay Road, Burton, MI 48509 (the "Property").
2. The Owner agrees to permit the County to conduct a Household Hazardous Waste Collection / Recycle Day (the "Event") at the Property on October 21, 2017.
3. The County shall contract with a licensed hazardous waste hauler (the "Waste Hauler") to set up, organize and conduct the Event. The name and qualifications of the Waste Hauler shall be provided to Owner by the County at least fourteen (14) days prior to the date of the Event.
4. The County's contract with the Waste Hauler shall include the following provisions:
  - a. A requirement that the Waste Hauler indemnify the County and the Owner from all action, claims, damages, costs, losses or liability of any kind arising out of the Waste Hauler's performance under the contract.
  - b. A requirement that the Waste Hauler obtain and maintain the insurance coverage described on the Insurance Checklist attached as Exhibit A.

The County will provide to Owner a copy of the contract with the Waste Hauler and any insurance certificates provided by the Waste Hauler to the County upon request.

5. Each party to this Agreement will remain responsible for any claims arising out of that party's performance of this Agreement, as provided for in this Agreement or by law. This Agreement is not intended to either increase or decrease either party's liability for or immunity from tort claims. This Agreement is not intended to nor will it be interpreted as giving either party a right of indemnification either by contract or at law for claims arising out of the performance of this Agreement.

The Parties hereby agree to the terms described above by having this Agreement executed by their duly authorized officers.

### FOR THE COUNTY

\_\_\_\_\_  
Mark Young, Chairperson  
Genesee County Board  
of Commissioners

### FOR THE OWNER

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Household Hazards Waste Collection  
Site Agreement

EXHIBIT A  
Insurance Requirements

GENESEE COUNTY INSURANCE CHECKLIST  
Household Hazardous Waste Collection Services

Coverages Required	Limits (Figures denote minimums)
<u>  X  </u> 1. Workers' Compensation	Statutory limits of Michigan
<u>  X  </u> 2. Employers' Liability	\$100,000 accident/disease \$500,000 policy limit, disease
<u>  X  </u> 3. General Liability	Including Premises/operations \$1,000,000 per occurrence with \$2,000,000 aggregate
<u>  X  </u> 4. Automobile liability	\$1,000,000 combined single limit each accident- Owned, hired, non- owned
<u>  X  </u> 5. Umbrella liability/Excess Coverage	\$3,000,000 BI & PD and PI
<u>  X  </u> 6. Genesee County named as an additional insured on other than workers' compensation via endorsement. A copy of the endorsement or evidence of blanket Additional Insured language in the policy must be included with the certificate.	
<u>  X  </u> 7. Other insurance required: Pollution Liability including transport and disposal of collected materials \$5,000,000	
<u>  X  </u> 8. Best's rating: A VIII or better, or its equivalent (Retention Group Financial Statement)	
<u>  X  </u> 9. The certificate must state bid number and title	