Attachment F

FCRHA Section 8 Homeownership Capacity Statement

The Fairfax County Redevelopment and Housing Authority (FCRHA) has the capacity to administer a Section 8 (Housing Choice Voucher) Homeownership Program, in accordance with the criteria set forth in 24 CFR 982.625(d); specifically:

- The FCRHA requires a minimum down payment of 3 percent, of which a minimum of 1 percent must come from the family's own resources, and
- The FCRHA has successfully operated a Section 8 homeownership program for the last five years. That capacity is demonstrated in this Annual Plan by inclusion of the Policy Statement and Program Status below.

Policy Statement

On January 2002, the FCRHA began the HCV homeownership option on a pilot basis that would assist a maximum of 25 families.[*] The homeownership option is offered only to those families currently receiving HCV rental assistance. New participants must be in the HCV program for one year in order to be eligible to qualify for the homeownership option. Therefore, the FCRHA's policy is that all active participants in the HCV program who are in good standing with the Department of Housing and Community Development (HCD) will have an opportunity to apply for HCV homeownership. Before the FCRHA will approve a family's request for the homeownership option, the family must show evidence that it will be a first-time homeowner and meet the FCRHA's income and employment requirements. The FCRHA may deny approval of a seller for any reason provided for disapproval of an owner under the voucher rental program regulations. Administration of this program must conform to 24 CFR Parts 5, 903 and 982 HCV Homeownership Program Final Rule, or as may be amended.

The specific FCRHA requirements that families must meet in order to qualify for the HCV homeownership option include:

- Family Eligibility

Family participation in the program is voluntary and not every HCV tenant-based family will qualify to receive homeownership assistance. The FCRHA will only offer, on a space available basis, the homeownership option to a family who is participating in the HCV program and:

1. has participated in the HCV Program for one year;
2. has expressed an interest in homeownership, is a first time homebuyer, and will be moving for the first time from HCV rental housing to a family-owned home;
3. meets the minimum income requirement at initial qualification for homeownership;
4. meets the employment requirements;

[*] The FCRHA is reviewing each participating family to determine the progress they are making in reducing their need for subsidies by increasing family income. Also, FCRHA is assessing the impact of the homeownership option on the cost to administer the Section 8 Housing Choice Voucher Program.

5. has a financial history that shows the family has not filed for bankruptcy within the last 7 years;
6. has a pre-conditional approval letter for a thirty (30) year fixed rate mortgage with a FCRHA-approved lender;
7. has obtained a recommendation from at least one prior landlord that the family is a good candidate for homeownership assistance and has no record of delinquent rent, or damage claims while the family occupied rental housing;
8. is in good standing with the FCRHA;
9. has sufficient funds for down payment and closing costs; and
10. agrees to abide by the ongoing program rules and homeownership family obligations.

- Waiting List Priority Preference System

3 Points – Family Self-Sufficiency Program Participants or other HCV participants who have enrolled in or graduated from an FCRHA approved homeownership program, have a signed written agreement or a sales contract that complies with the HCV Homeownership Final Rule to purchase a home, and have obtained loan pre-approval from a lender that meets the financial requirements of the FCRHA to conduct mortgage-financing activities in the HCV Homeownership program.
2 Points –Housing Choice Voucher Program participants for 1 year
1 Point - Housing Choice Voucher Program Portability - In

- Homeownership Counseling

Once FCRHA determines a family's eligibility for HCV homeownership assistance and before the family purchases a home, the family must attend a homeownership and housing counseling program that will be provided or recommended by HCD. The program will include the following subjects:
1. Home maintenance,
2. Budgeting and money management,
3. Credit counseling,
4. How to negotiate a contract for a home that conforms with the requirements of the final rule,
5. How to locate homeownership financing, including the pros and cons of different types of financing,
6. How to find a home, including information about homeownership opportunities, schools, and transportation,
7. Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas,
8. Information on fair housing including fair housing lending and local fair housing enforcement agencies,
9. Information about the Real Estate Settlement Procedures Act (RESPA), State and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions, and
10. Post-settlement counseling.

A Certificate of completion of homeownership and housing counseling must be presented to HCD prior to a final determination of eligibility for HCV homeownership assistance.

- Maximum times to locate and purchase a home

Once a family completes the required homeownership and housing counseling program and receives a certificate of completion, the family will have 60 days to find a home, execute a contract, get the home inspection and go to settlement. If 60 days is not sufficient, the family may apply for extensions of 60 days upon documentation of need. Total maximum time cannot exceed 240 days (8 months). The home must be owned in fee simple by the family or may be a cooperative unit. While searching for a home, the family will continue to receive rental assistance until the family vacates the rental unit consistent with the lease. The home selected must be an existing home or under construction and be located in Fairfax County (excluding any jurisdiction not having a cooperation agreement to administer HCV within their boundaries). Eligible housing can also include housing where the family does not own fee title to the real property and has a land lease for a period of at least 40 years. In this case, the home must also be on a permanent foundation to qualify. If the family qualifies for portability, the family may select a home in the jurisdiction of another PHA, if that PHA has a HCV homeownership program. The receiving PHA may absorb the homeownership family or bill the FCRHA for the homeownership housing assistance using the normal portability billing process.

Families will be given counseling on setting realistic expectations regarding affordability for each family based upon their ability to pay.[*] Families participating in the Housing Choice Voucher homeownership program received support comparable to that provided to participants in the Fairfax County First-Time Homebuyers Program, including access to homeownership counseling and education.

- Home Inspections

After the family has selected a home and before commencement of homeownership assistance, there are two mandatory inspections that must be performed.

For the first inspection, the family must hire an independent, professional home inspector who is qualified to report and to inspect the home for physical defects and to assess the adequacy and life span of the major building components, building systems, appliances and other structural components. The family must pay for the cost of this inspection. A copy of the inspection report must be provided to the family and the FCRHA. Once the inspection is complete, HCD's Home Improvement Loan Program staff will review the inspection report for accuracy and completeness. Based on these inspections, the family and the FCRHA will determine if there are any pre-purchase repairs that need to be discussed and decided upon by the seller and the family, the severity of the repairs, and whether the purchase transaction makes sense in light of the overall condition of the home and the likely costs of repairs and capital expenditures.

Second, the home must pass an initial FCRHA Housing Quality Standards (HQS) inspection that will be performed by HCD's HCV office. The inspection is the normal initial HQS inspection conducted by HCD for the tenant-based rental assistance program.

The FCRHA considers the home inspection requirement to be a critical step in the home selection process. The professional home inspection will disclose independent data concerning

[*] FCRHA will not permit a family to purchase a home involving a purchase/rehabilitation or a lease/purchase arrangement.

the age and condition of the home, especially those components of the home, such as the roof, heating and air conditioning, and appliances, that must be replaced based on the age and condition of the home. The inspection would also estimate the likely costs of repairs and replacements. A HCV Homeownership Affordability Model will be used to measure the family's ability to pay housing and non-housing costs and to estimate the amount of funds the family should set-aside on a monthly basis to cover the eventual replacement of the home's major systems and components.

The Statement of Family Obligations will include a requirement that the family maintain the unit once purchased in accordance with Federal Housing Quality Standards which requires an annual inspection. Any notice of deficiency would need to be corrected within the time limit specified in the notice. Failure to do so may result in termination of benefits under the program. Families may also be required to attend additional counseling classes as a condition of continued assistance.

The FCRHA reserves the right to disapprove the unit for assistance under the homeownership option because of information in the inspection report.

- Employment

The family seeking homeownership assistance must show that they are a good candidate for homeownership. Therefore, the head of household or spouse of the family must be employed on a full-time basis. The FCRHA's policy is that, except for an elderly family or a disabled family, the family must have a record of full-time employment (not less than an average of 30 hours per week) for at least one year before the commencement of homeownership assistance.

- Family Minimum Income Requirements

Under the HCV homeownership program, the FCRHA's policy is that, when the family begins making mortgage payments to the lender, the family must demonstrate that the head of household and spouse have qualified gross monthly income as specified in the rule. The minimum income requirement only applies to the family's income at the time they initially qualify to purchase a home. Therefore, the gross minimum income level will not be a continuing requirement during the life of the loan.

In regards to inclusion of welfare assistance in determining whether elderly and disabled families meet the minimum income requirements, welfare assistance shall be included only for those adult elderly or disabled family members who will own the home. There is a national standard for disabled families. This minimum income standard for such families will be equal to the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve.

- Financing Requirements

The family selected to participate in the HCV homeownership program must secure their own financing from a lender of their choice. However, the family will be encouraged to use lenders who are approved by the FCRHA to conduct mortgage-financing activities in the HCV homeownership program. These lender partners will be developed through an Expression of Interest and will utilize underwriting guidelines for specific HCV mortgage products that have

been developed through Fannie Mae and serve both HCV Homeownership borrowers and the disabled families under the pilot program. HCV borrowers utilizing these products would have to have a minimum gross family income of 2.5 times the Voucher Payment Standard and Housing Assistance Payments will need to be made directly to the account established by the lenders. The approved lenders will have an understanding of the HCV homeownership program goals and a willingness to provide loans that meet the need of and comply with FCRHA's policies and procedures. FCRHA's policy is that the lender must comply with the basic mortgage insurance credit underwriting procedures for FHA-insured single family mortgage loans for homes that are financed with or without FHA-insured mortgage financing.

The FCRHA's policy prohibits seller financing in the HCV homeownership program. An exception to that policy would be sellers that are considered institutional lenders that are 501(c)(3) non-profit and financing agencies that are approved by the FCRHA. Therefore, the FCRHA will not approve a loan involving seller financing, or where the mortgage will result in balloon payments or in certain kinds of variable interest rate loans that are not in the best interest of the family financing purchase of a home.

The FCRHA's policy is to review each proposed Section 8 homeownership loan to determine whether the monthly mortgage payment is affordable after considering other family expenses. Further, at the time of loan closing, the family must meet a minimum cash **(**or equity requirement**)** that amounts to three percent of the final sales price of the home, with at least one percent of the purchase price from the family's personal resources.

Once the family is approved for homeownership, HCD will make housing assistance payments directly to the family unless the family chooses otherwise or in those cases where lenders require direct payments into an account established by the lender. The family will be responsible for making total monthly mortgage payments to the lender. The FCRHA is not responsible for mortgage payments in the event that the family defaults on the mortgage. The family must immediately notify the FCRHA when the default occurs and is totally responsible for bringing the mortgage current.

At yearly recertifications, families will be asked to show evidence that they are making monthly contributions to an escrow savings account that is being used for replacement reserve purposes. This contribution should be in conformance with the amount determined necessary to replace major systems and appliances. Failure on the part of the family to maintain an account adequate to this purpose may cause the homeownership counselor to require that the family members attend post-purchase counseling sessions on the importance of the requirement.

- <u>Homeownership Assistance Payments</u>

HCD will make monthly homeownership assistance payments directly to the family as long as the family is living in the residence and is eligible to receive housing assistance payments. At the election of the family, the housing assistance payment may be paid to the lender. Eligibility to receive homeownership assistance payments terminates automatically 180 days after the last homeownership assistance payment is made on behalf of the family.

HCD will calculate the monthly homeownership assistance payment using a modified voucher program payment standard approach. The payment will equal the lower of (1) the payment standard minus the Total Tenant Payment, or (2) the monthly homeownership expenses less the Total Tenant Payment.

The family is responsible for the monthly homeownership expenses not reimbursed by the housing assistance payment and must demonstrate that it has sufficient income to meet these expenses. The FCRHA will annually or on an interim, as-needed basis, reexamine family income and composition and make appropriate adjustments to the amount of the monthly housing assistance payment.

In determining the family's monthly homeownership expenses, the FCRHA will allow amounts to cover:

1. Principal and interest on initial mortgage debt and any mortgage insurance premium incurred to finance the home;
2. Real estate taxes and public assessments on the home;
3. Home owners insurance;
4. An allowance for maintenance expenses (HCD's best estimate of an appropriate amount for maintenance of a home);
5. An allowance for costs of major repairs and replacements (HCD's best estimate of an appropriate amount for a replacement reserve for a home);
6. The FCRHA's HCV utility allowance for the home (The utility allowance is the same utility allowance schedule as used in the voucher program)[*]; and
7. Land-lease payment (if applicable).

HUD's requirements state that except for elderly and disabled families, HCV homeownership assistance may only be paid for a maximum period of up to 15 years, if the mortgage is 20 years or longer. In all other cases, the maximum term of homeownership assistance is 10 years. There are no time limits for elderly and disabled families. Since FCRHA will initially operate the program on a pilot basis, FCRHA's policy will be that homeownership assistance will initially be paid for a maximum period of up to 15 years. After the initial 5-year pilot period, HCD will review each case individually at year 5, year 10, and year 14 to determine if the family has shown sufficient progress in improving their financial condition. HCD's primary purpose will be to determine whether the family's gross annual income is increasing at a sufficient rate to reduce the need for housing assistance payments by the 15th year of the mortgage and to provide counseling as appropriate.

If the family is current in making mortgage payments but is not making sufficient progress in increasing family income, these circumstances could cause the FCRHA to encourage the family to sell the home and switch back to rental assistance. If the family is not in default on the mortgage loan and has met all obligations under the HCV program, the FCRHA can issue the family a rental voucher. When a family defaults on a mortgage loan (either a FHA-insured or a

[*] For cooperative housing, the homeownership expenses for a cooperative member would be the same except there is a cooperative charge under the cooperative occupancy agreement that is allowed as an expense.

non-FHA-insured), these cases will be reviewed by the FCRHA to determine whether a rental voucher will be issued to the family or if assistance will be terminated.

How the FCRHA Will Administer the Housing Choice Voucher Homeownership Option

As previously mentioned, the Department of Housing and Community Development will initially administer the HCV Homeownership Program on a pilot basis. The Homeownership and Relocation Services Branch, located in the Real Estate Finance and Grants Management Division, will be responsible for homeownership and housing counseling training, and program administration including the determination and payment of HCV homeownership assistance payments. The Home Improvement Loan Program (HILP) office will provide technical assistance that will be needed to evaluate inspection reports prepared by independent, professional home inspectors, and may provide home maintenance education.

HCD, in conjunction with the respective program offices, will annually evaluate the pilot program results to determine the effectiveness of the HCV homeownership option in moving families from rental housing to homeownership. The FCRHA will also measure participant progress in increasing family income levels and reducing the family's need for FCRHA's homeownership housing assistance payments. The program may be expanded beyond FCRHA's initial goal of assisting 25 HCV families if the FCRHA determines that the program is effectively helping HCV rental families obtain homeownership.

Status of Program: As of September 2007, the pilot program has concluded and the FCRHA is considering the next phase of the program. Twenty-seven families were assisted using the HCV homeownership program during the pilot period, using 25 vouchers. The FCRHA will be evaluating lessons learned and best practices, and may consider expanding the program to additional vouchers during FY 2009.