

HOME-ARP Program Fact Sheet: Rental Housing

Overview:

A PJ may use HOME-ARP funds to acquire, construct and rehabilitate rental housing for occupancy by individuals and families that meet one of the Qualifying Populations defined in *CPD Notice: Requirements for the Use of Funds in the HOME-American Rescue Plan Program* (“the Notice”). HOME-ARP rental housing may include single family or multifamily housing, transitional or permanent housing, group homes, single room occupancy (SRO) units, and manufactured housing.

To promote the development of financially viable housing, PJs may pay the entire amount of eligible costs associated with HOME-ARP rental units, are encouraged to work with local PHAs and state or local agencies to obtain project-based rental assistance and may provide ongoing operating cost assistance or capitalize a project operating cost assistance reserve to address operating deficits of HOME-ARP units occupied by qualifying households. To promote inclusion of HOME-ARP units in mixed-income housing, up to 30 percent of the units a PJ funds with its HOME-ARP grant may be restricted for occupancy by households that are low-income.

Eligible Activities and Costs:

- ***Eligible Activities:*** Acquisition, construction, and rehabilitation of affordable rental housing, including reconstruction as defined in [24 CFR 92.2](#). Acquisition of vacant land or demolition may be undertaken only with respect to a HOME-ARP project for which construction is expected to start within 12 months of commitment.
- ***Eligible Costs:*** HOME-ARP funds may pay for up to 100 percent of the following eligible costs associated with HOME-ARP rental units:
 - Development hard costs include the actual cost of constructing and rehabilitating housing to meet applicable property standards. Eligible development costs also include site improvements, utility connections and costs to construct or rehabilitate laundry and community facilities located within the same building as the HOME-ARP housing;
 - Refinancing of existing debt secured by a HOME-ARP rental project rehabilitated with HOME-ARP funds;
 - Acquisition costs of improved or unimproved real property;
 - Related soft costs including reasonable and necessary costs incurred by the PJ or project owner associated with the financing, development, acquisition, or rehabilitation of HOME-ARP rental housing;
 - Relocation costs as defined in [24 CFR 92.206\(f\)](#), [24 CFR 92.353](#), and the Notice;
 - Certain costs related to the payment of construction, bridge, or guaranteed loans, if HOME-ARP is part of original financing; and

- Operating cost assistance, through a capitalized operating reserve or ongoing operating cost payments, for HOME-ARP units restricted for occupancy by qualifying households.

Beneficiary Requirements:

- Eligible Beneficiaries: HOME-ARP funds must primarily benefit individuals and families that meet one of the qualifying populations defined in the Notice. However, not more than 30 percent of the total number of rental units assisted with HOME-ARP funds may be occupied by low-income households as defined in [24 CFR 92.2](#).
- Household Income: The following income requirements apply to HOME-ARP households:
 - Qualifying Households: At initial occupancy and each subsequent year during the minimum 15-year compliance period, the PJ must use the definition of annual income at [24 CFR 5.609](#) and the process described in the Notice to determine the household's contribution to rent.
 - Low-Income Households: The PJ must use the definition of annual income at [24 CFR 5.609](#) and the process described in the Notice to examine the household's income at initial occupancy and each subsequent year during the minimum 15-year compliance period to determine the household's ongoing income eligibility and applicable contribution to rent.
- Tenant Contribution to Rent: A qualifying household may not contribute to rent more than is affordable based on the PJ's determination of the household's income.

Project Requirements:

- Targeting and Occupancy: Not less than 70 percent of the total number of rental units a PJ assists with HOME-ARP funds must be restricted to occupancy by households that are qualifying households at the time of the household's initial occupancy. Not more than 30 percent of the total number of rental units assisted with HOME-ARP funds by the PJ may be restricted for occupancy by low-income households. A household that met the definition of one or more qualifying populations at initial occupancy remains a qualifying household throughout their period of occupancy irrespective of changes in income or whether they continue to meet a qualifying population definition (e.g., no longer qualify as homeless after being admitted to a HOME-ARP unit).
- Property Standards: HOME-ARP rental units must comply with all rental property standards required in [24 CFR 92.251](#) paragraphs (a), (b), (c)(1) and (2), (e), and (f).
- Minimum Compliance Period: HOME-ARP rental units must comply with the HOME-ARP rental requirements for a minimum of 15 years, irrespective of the amount of HOME-ARP funds invested in the project or the activity undertaken. If a project-based rental assistance Housing Assistance Payments (HAP) contract is awarded to a HOME-ARP rental project, the minimum compliance period is the greater of 15 years or the term of the HAP contract.
- Rent Limitations: HOME-ARP establishes rent limitations for units restricted for qualifying households and units restricted for low-income households as follows:

- Units Restricted for Occupancy by Qualifying Households: The HOME-ARP rent may not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 50 percent of the median income for the area, as determined by HUD (i.e., Low HOME Rents).
- Units Restricted for Occupancy by Low-Income Households: HOME-ARP rental units restricted for low-income households must comply with the rent limitations at [24 CFR 92.252\(a\)](#).
- Additional HOME-ARP Unit Limitations, if applicable:
 - Federal/State Project-Based Rental Subsidy: A HOME-ARP unit that receives Federal or state project-based rental subsidy may charge the rent allowable under the rental subsidy program.
 - Single Room Occupancy Units (SRO): If an SRO unit has both sanitary and food preparation facilities, the maximum HOME-ARP rent is based on the zero-bedroom fair market rent. If the SRO unit only has sanitary facilities, the maximum HOME-ARP rent is based on 75 percent of the zero-bedroom fair market rent.
- Changes in Income and Over Income Households: A PJ must take action to address over-income households occupying HOME-ARP units as follows:
 - Qualifying Households: A qualifying household whose annual income at the time of recertification is above 50 percent of median income for the area but below 80 percent of median income for the area must pay the rent specified in [24 CFR 92.252\(a\)](#).
 - Low-Income Households: A low-income household whose income is above 80 percent of the median income for the area must pay rent that complies with [24 CFR 92.252\(i\)\(2\)](#).
- Lease and Tenant Protections: Each household that occupies a HOME-ARP assisted unit must execute a lease that complies with the tenant protection requirements prescribed in the Notice.
- Master Leasing and Use of a HOME-ARP Sponsor: A HOME-ARP sponsor – a nonprofit organization that provides housing or supportive services to qualifying households – may execute a lease for a HOME-ARP unit or a master lease for multiple units in a project. The HOME-ARP sponsor may then sublease the HOME-ARP rental unit to a qualifying household.
- Coordinated Entry and Project-Specific Waitlists: On a project-by-project basis, a PJ must decide whether a project owner may use a Continuum of Care’s (CoC) Coordinated Entry (CE), a CoC’s CE and other referral sources, or a project-specific waitlist to select qualifying households for HOME-ARP units restricted for occupancy by qualifying households. A project owner must use a project-specific waitlist to select low-income households to occupy units restricted for occupancy by low-income households.

Oversight and Management:

A PJ is responsible for the day-to-day management and oversight of its HOME-ARP program including but not limited to the following:

- *Underwriting and Subsidy Layering*: A PJ must establish underwriting and subsidy layering guidelines for determining the appropriate amount of HOME-ARP funds, including any operating cost assistance provided to maintain the financial viability of the HOME-ARP project through the 15-year minimum compliance period.
- *Enforcement of Rental Requirements*: A PJ must impose the HOME-ARP rental requirements through a deed restriction, covenant running with the land, legally binding agreement restricting the use of the property and recorded on the property in accordance with State recordation laws, or other mechanism approved by HUD.
- *Project Completion, Occupancy and Noncompliance*: A PJ must repay any HOME-ARP funds invested in units that are 1) not completed within 4 year of project commitment, 2) not rented to eligible qualifying or low-income households within 12 months of project completion, or 3) terminated before completion or otherwise not compliant with the HOME-ARP rental requirements.
- *Management and Oversight of Operating Cost Assistance Reserve*: A PJ must require any HOME-ARP funds expended for project operating cost assistance reserves be held by a project owner in a separate interest-bearing account with review and written approval from the PJ prior to any disbursement of HOME-ARP funds from the operating cost assistance reserve account. The PJ must, no less than annually, review the operating cost assistance reserve account to determine that it is appropriately sized based on projected deficits for units restricted for occupancy by qualifying households.

HOME-ARP Program Fact Sheet: Tenant-Based Rental Assistance

Overview:

HOME-ARP funds may be used to provide tenant-based rental assistance (“HOME-ARP TBRA”) to individuals and families that meet one of the Qualifying Populations defined in the *CPD Notice: Requirements for the Use of Funds in the HOME-American Rescue Plan Program* (“the Notice”). A PJ may assist a qualifying household by providing payments towards housing and housing-related costs, such as rent, security deposits, utility deposits, and utility costs. Because HOME-ARP TBRA is attached to the qualifying household and not a particular rental unit, the household may choose to move to another unit with continued assistance as long as the new unit meets the applicable property standards. HOME-ARP TBRA may be provided in coordination with a non-profit HOME-ARP sponsor that facilitates a qualifying household’s use of HOME-ARP TBRA. The HOME-ARP sponsor may make rental subsidy payments and a security deposit payment on behalf of a qualifying household or may sublease a unit to the qualifying household.

Eligible Costs:

- *Eligible Costs*: HOME-ARP funds may be used to provide rental assistance, security deposit assistance, utility deposits, and utility payments to qualifying households. HOME-ARP may pay up to 100% of these costs for a qualifying household.

Project Requirements:

- *Portability of Assistance*: A PJ may require the HOME-ARP TBRA assisted household to use the assistance within the PJ's boundaries or may permit the household to use the assistance outside its boundaries as outlined at [24 CFR 92.209\(d\)](#).
- *Term of Rental Assistance Contract*: The PJ must determine the maximum term of HOME-ARP TBRA assistance contracts and whether contracts will be renewable.
- *Maximum Subsidy*: The PJ must establish policies for the allowable maximum subsidy, which may differ from the maximum subsidy requirements at [24 CFR 92.209\(h\)](#). PJs may provide up to 100 percent subsidy for rent, security deposit payments, and utility bills. The PJ must also establish policies for determining any household contribution to rent.
- *Rent Reasonableness*: The PJ must determine whether the rent is reasonable in comparison to rent for other comparable unassisted units and must disapprove a lease if the rent is not reasonable.
- *Housing Quality Standards*: Housing must comply with all housing quality standards required at [24 CFR 982.401](#) (or successor inspection standards issued by HUD) unless the

tenant is residing in a HOME or HOME-ARP unit, in which case the PJ may defer to initial and ongoing inspection standards for the housing.

- Use of a HOME-ARP Sponsor: A HOME-ARP sponsor – a nonprofit organization that provides housing or supportive services to qualifying households – may facilitate the leasing of a HOME-ARP rental unit or the use and maintenance of HOME-ARP TBRA. A sponsor may make rental subsidy payments and a security deposit payment on behalf of a qualifying household.

PJ Management and Oversight:

- Rental Assistance Contract: HOME-ARP TBRA must be provided through a rental assistance contract with the PJ and (1) an owner that leases a unit to a qualifying household; (2) the qualifying household, (3) a HOME-ARP sponsor or (4) an owner and the qualifying household in a tri-party contract.
- Lease and Sublease: PJs must require and verify that there is an executed lease between the qualifying household and the owner of the rental unit or a between an owner and a HOME-ARP sponsor with a sublease between the qualifying households and the HOME-ARP sponsor that complies with tenant protection requirements in accordance with [24 CFR 92.253\(a\)](#). PJs may permit a HOME-ARP sponsor to execute a lease with an owner for an individual unit or a master lease for more than one unit restricted for occupancy by HOME-ARP TBRA households.
- Written Agreement with HOME-ARP Sponsor: The PJ must enter into a written agreement with the HOME-ARP sponsor if the HOME-ARP TBRA rental assistance contract is not with the HOME-ARP sponsor and the HOME-ARP sponsor will be receiving the HOME-ARP TBRA subsidy directly from the PJ.

HOME-ARP Program Fact Sheet: Supportive Services

Overview:

A PJ may use HOME-ARP funds to provide a broad range of supportive services to individuals and families that meet one of the qualifying populations as defined in *CPD Notice: Requirements for the Use of Funds in the HOME-American Rescue Plan Program* (“the Notice”). Supportive services may be provided to individuals and families who are not already receiving the services outlined in the Notice through another program. PJs may establish a separate supportive services activity or activities or may combine supportive services with other HOME-ARP activities.

Eligible Services and Costs:

Eligible Supportive Services: There are three categories specifically included as supportive services under HOME-ARP:

- McKinney-Vento Supportive Services: McKinney-Vento Supportive Services under HOME-ARP are adapted from the services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act (“**McKinney-Vento Supportive Services**”) ([42 U.S.C. 11360\(29\)](#)).
- Homelessness Prevention Services: HOME-ARP Homelessness Prevention Services are adapted from certain eligible homelessness prevention services under the Emergency Services Grant (ESG) regulations at [24 CFR Part 576](#).
- Housing Counseling Services: Housing counseling services under HOME-ARP are those consistent with the definition of housing counseling and housing counseling services defined at [24 CFR 5.100](#) and [5.111](#), respectively, except that homeowner assistance and related services are not eligible HOME-ARP activities.

Eligible Costs of Supportive Services for Qualifying Individuals and Families: HOME-ARP funds may be used to pay eligible costs associated with the HOME-ARP supportive services activity in accordance with the requirements of the Notice.

Eligible Costs Associated with McKinney-Vento and Homelessness Prevention Supportive Services:

- All qualifying households are eligible to receive supportive services under the HOME-ARP supportive services activity. Eligible costs associated with McKinney-Vento supportive services and homelessness prevention supportive services include:
 - Costs of child care;
 - Costs of improving knowledge and basic educational skills;

- Costs of establishing and/or operating employment assistance and job training programs
- Costs of providing meals or groceries
- Costs of assisting eligible program participants to locate, obtain and retain housing
- Costs of certain legal services
- Costs of teaching critical life management skills
- Financial assistance costs, including:
 - Rental application fees
 - Security deposits
 - Utility deposits
 - Payment of rental arrears

**Please consult the Notice for a full list and description of eligible costs.

- The costs of homelessness prevention services are only eligible to the extent that the assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing to achieve stability in that housing.
- PJs must establish requirements documenting an eligible cost as McKinney-Vento supportive services to an individual or family in a qualifying population, homelessness prevention services, or Housing Counseling.

Eligible Costs Associated with Housing Counseling: Costs associated with housing counseling services as defined at [24 CFR 5.100](#) and [5.111](#) are eligible. Costs may only be paid under HOME-ARP if housing counseling services are provided by HUD-certified housing counselors and organizations.

- Eligible costs include:
 - Staff salaries and overhead costs of HUD-certified housing counseling agencies related to directly providing eligible housing counseling services to HOME- program participants
 - Development of a housing counseling workplan
 - Marketing and outreach
 - Intake
 - Financial and housing affordability analysis
 - Action plans that outline what the housing counseling agency and the client will do to meet the client's housing goals and that address the client's housing problem(s)
 - Follow-up communication with program participants
- Costs for the provision of services to existing homeowners related to homeownership and mortgages to existing homeowners are not eligible under HOME-ARP.
- If a program participant is a candidate for homeownership, costs associated with pre-purchase homebuying counseling, education and outreach are eligible under HOME-ARP.

Oversight and Management: A PJ is responsible for the day-to-day management and oversight of its HOME-ARP program including but not limited to the following:

- *Oversight of Eligible Costs:* All supportive service costs paid for by HOME-ARP must comply with the requirements of the Notice and Uniform Administrative Requirements at [2 CFR part 200](#), subpart E, Cost Principles that require costs be necessary and reasonable.
- *No Duplication of Services:* PJs are responsible for establishing requirements that allow a program participant to receive only the HOME-ARP services needed so there is no duplication of services or assistance in the use of HOME-ARP funds for supportive services.
- *Termination of Assistance:* The PJ may terminate assistance to a program participant who violates program requirements or conditions of occupancy.

HOME-ARP Program Fact Sheet: Non-Congregate Shelter

Overview:

HOME-ARP funds may be used to acquire and develop non-congregate shelter (HOME-ARP NCS) for individuals and families that meet one of the Qualifying Populations defined in the CPD Notice: *Requirements for the Use of Funds in the HOME-American Rescue Plan Program* (“the Notice”). NCS provides private units or rooms as temporary shelter to individuals and families and do not require occupants to sign a lease or occupancy agreement. This activity may include the construction of new structures or the acquisition and/or rehabilitation of existing structures (such as motels, nursing homes, or other facilities) to be for use as HOME-ARP NCS. The Notice establishes requirements applicable to HOME-ARP NCS.

Eligible Activities and Costs:

- **Eligible Activities:** HOME-ARP funds may be used to acquire, rehabilitate, or construct NCS units to serve individuals and families Qualifying Populations.
- **Eligible Costs:** HOME-ARP funds may be used for:
 - **Acquisition Costs:** Costs to acquire improved or unimproved real property for use as or development of HOME-ARP NCS.
 - **Demolition Costs:** Costs to demolish existing structures for the purpose of developing HOME-ARP NCS.
 - **Development Hard Costs:** Costs to rehabilitate or construct HOME-ARP NCS units to meet the HOME-ARP minimum habitability standards. Costs to make improvements to the project site, including installation of utilities or utility connections, laundry facilities, community facilities, on-site management, or supportive service offices.
 - **Related Soft Costs:** Reasonable and necessary costs incurred by the PJ, subrecipient, or project owner associated with financing, acquisition, and development of HOME-ARP NCS projects.
 - **Replacement Reserve:** Costs to capitalize a replacement reserve to cover reasonable and necessary costs of replacing major systems and their components.
- **Ineligible Costs:** HOME-ARP funds may not be used to pay ongoing costs of operating HOME-ARP NCS or to convert NCS to housing.

Admission and Occupancy:

- HOME-ARP NCS units may only be occupied by individuals or families that meet the criteria for one or more of the Qualifying Populations.
- Program participants may not be charged occupancy fees or other charges to occupy a HOME-ARP NCS unit unless the PJ determines such fees and charges are customary and reasonable and the charges comply with [24 CFR 578.77\(b\)](#).

- PJs are encouraged to incorporate HOME-ARP NCS units into the CE established by the CoC(s) for the area the NCS is funded to serve, if the CE complies with the requirements established in the HOME-ARP Notice.
- HOME-ARP supportive services may also be provided, if needed, to Qualifying Populations served by the NCS.

Project Requirements:

- Property and Habitability Standards: At project completion, HOME-ARP NCS units and common areas must meet all applicable State and local codes, ordinances, and requirements and HUD’s Lead Safe Housing Rules at [24 CFR Part 35](#). Project classification as acquisition only, rehabilitation, or new construction is determined by the PJ’s local code requirements based on specific work to be performed. Projects must meet HOME-ARP NCS ongoing property standards throughout the restricted use period.
- Restricted Use Period: HOME-ARP NCS projects must comply with HOME-ARP requirements during the restricted use period established in the HOME-ARP Notice.

New Construction:	15 years
Rehabilitation:	10 years
Acquisition Only:	10 years

- Use as NCS: The NCS may remain as HOME-ARP NCS for the restricted use period or may be used as NCS under the Emergency Shelter Grant (ESG) program.
- Conversion to Housing: ARP permits HOME-ARP NCS units to be converted into permanent housing under the Continuum of Care (CoC) program or permanent affordable housing during the restricted use period in accordance with requirements established in the Notice. No HOME-ARP funds may be used for conversion.
 - Minimum Use Period: All HOME-ARP NCS projects must be operated as NCS for a minimum period of time prior to conversion. The minimum use period prior to conversion varies based on the original HOME-ARP NCS eligible activity undertaken and the amount of funds invested in the project.
 - Permanent Affordable Housing: During the restricted use period, but only after the HOME-ARP NCS minimum use period, a PJ may provide written approval to convert the project from HOME-ARP NCS to permanent affordable housing (e.g., affordable multifamily rental housing, transitional housing) in accordance with the requirements prescribed in the PJ’s written agreement with the HOME-ARP NCS owner.
 - CoC Permanent Housing: During the restricted use period, but only after the HOME-ARP NCS minimum use period has been met, a PJ may permit conversion of a HOME-ARP NCS project to permanent housing under [24 CFR 578.43](#) (acquisition) and/or [24 CFR 578.45](#) (rehabilitation) of the CoC program regulations. Conversions must comply with any conversion requirements established in the PJ’s written agreement with the HOME-ARP NCS owner. If conversion is planned, the HOME-ARP NCS use restrictions must

remain in place until the project is approved for CoC funding and the required CoC restrictions are imposed on the property.

PJ Management and Oversight:

- Project Development Due Diligence: Before awarding HOME-ARP funds to a HOME-ARP NCS project, PJs must determine that acquisition and/or development is financially feasible. The PJ is responsible for maintaining continued operation of the NCS and must consider whether the HOME-ARP NCS project has secured or has a high likelihood of securing operating funding, because operating costs cannot be paid with HOME-ARP.

PJs must assess HOME-ARP NCS projects, including a review of information from the owner and/or developer that demonstrates the project's financial feasibility throughout the restricted use period.

Before committing funds, PJs should also determine whether the owner intends to continue operating the project as HOME-ARP NCS or emergency shelter NCS under ESG for the restricted use period or plans to convert the HOME-ARP NCS to housing after the minimum use period has been met. In such instances, the PJ should consider the physical design needs of an eventual conversion in its evaluation of the HOME-ARP NCS project.

HOME-ARP Program Fact Sheet: Nonprofit Operating and Capacity Building Assistance

Overview:

A PJ may use up to 5 percent of its HOME-ARP allocation to pay operating expenses of CHDOs and other nonprofit organizations that will carry out activities with HOME-ARP funds. A PJ may also use up to an additional 5 percent of its allocation to pay eligible costs related to developing the capacity of eligible nonprofit organizations to successfully carry out HOME-ARP eligible activities. PJs may award operating expense assistance or capacity building assistance to a nonprofit organization if it reasonably expects to provide HOME-ARP funds to the organization for any of the eligible HOME-ARP activities within 24 months of the award.

Eligible Costs:

- Operating Expense Assistance: HOME-ARP funds may be used to provide operating expense assistance to CHDOs and other nonprofit organizations. Operating expense assistance is defined as reasonable and necessary costs of operating the nonprofit organization. Eligible costs include:
 - Employee salaries, wages and other employee compensation and benefits
 - Employee education, training and travel
 - Rent
 - Utilities
 - Communication costs
 - Taxes
 - Insurance
 - Equipment, materials, and supplies.

HOME-ARP funds used for operating expenses must be used for the “**general operating costs**” of the nonprofit organization. These operating costs must **not** have a particular final cost objective, such as a project or activity, or must **not** be directly assignable to a HOME-ARP activity or project.

- For example: HOME-ARP funds for operating expenses may not be used for staffing costs to provide supportive services or develop HOME-ARP-rental housing (as operating costs to develop HOME-ARP rental housing are paid for by a developer fee which is a project delivery or soft cost).
- Capacity Building Assistance: HOME-ARP funds may be used to provide capacity building assistance to CHDOs and other nonprofit organizations. Capacity building expenses are defined as reasonable and necessary general operating costs that will result in expansion or improvement of an organization’s ability to successfully carry out for eligible HOME-ARP activities. Eligible costs include:
 - Salaries for new hires including wages and other employee compensation and benefits;

- Employee training or other staff development that enhances an employee's skill set and expertise;
- Equipment (e.g. computer software or programs that improve organizational processes), upgrades to materials, and supplies; and
- Contracts for technical assistance or for consultants with expertise related to the HOME-ARP qualifying populations.

Limitations on Assistance:

- In any fiscal year, operating assistance provided to a nonprofit organization may not exceed the greater of 50 percent of the general operating expenses of the organization for that fiscal year, as described above, or \$50,000.
- In any fiscal year, capacity building assistance provided to a nonprofit organization may not exceed the greater of 50 percent of the general operating expenses of the organization, as described above, or \$50,000.
- If an organization receives both operating assistance and capacity building assistance in any fiscal year, the aggregate total amount of assistance it may receive is the greater 50 percent of the organization's total operating expenses for that fiscal year or \$75,000.

PJ Management and Oversight:

- Written Agreement: A PJ must enter into a written agreement with the CHDO or non-profit describing the amounts and uses of HOME-ARP funds for operating expenses or capacity building. A PJ commits operating expense assistance or capacity building assistance when it enters into a legally binding agreement with the nonprofit organization to provide the assistance.
- IDIS: HUD has established separate fund types in IDIS for operating expense assistance and capacity building assistance to facilitate accurate tracking and ensure that PJs do not exceed the limits