



Town of Amherst Planning Department

Erie County, New York



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Dear Resident:

The Town's Community Development Program is offering Housing Rehabilitation loans up to \$30,000.00 covering the cost of necessary home repairs to income eligible homeowners.

This is a long term, interest-free, deferred payment loan. You need not make any payments towards this loan until your home is sold, transferred in title, refinanced (home equity, mortgage, etc.), or no longer occupied as your primary residence. Under any of those circumstances, the loan must be repaid in full by you or your estate.

Eligible veterans, active military personnel, and surviving spouses can receive a grant as a portion of this funding forgiven over the course of five years. In owner-occupied two-family properties, the owner must income qualify but the tenant income is not included. However, the owner must sign an agreement that they will not charge the tenant more than fair market rent for one year after the rehabilitation work is done as determined by HUD for this area.

Details about eligibility requirements, application information, typical repairs, emergency cases, steps of participation, and expectations for the program are on the following pages.

After reviewing this information, if you think you may be interested in participating in the program, or have any questions about how the program works, please call the Community Development staff at 631-7082 between 8:00 a.m. and 4:00 p.m., Monday through Friday.

If you believe this program does not suit your needs or if you have concerns in other areas, we recommend you call 211 or go to the 211wny.org website to explore other local services.

Very truly yours,

Rachel Boerschig

Community Development Staff

Laurie Stillwell
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[https://amherstnyusgcc-my.sharepoint.com/personal/boerschigr_amherst_ny_us/Documents/UserFolder/Temporary Storage/Move/Rehab Info Handout 'YY.docx](https://amherstnyusgcc-my.sharepoint.com/personal/boerschigr_amherst_ny_us/Documents/UserFolder/Temporary%20Storage/Move/Rehab%20Info%20Handout%20YY.docx)

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7082 • Fax (716) 631-7153

**TOWN OF AMHERST
HOUSING REHABILITATION PROGRAM
FACT SHEET**

PURPOSE

This program provides financial assistance to income-eligible homeowners to complete necessary home repairs in the form of a long term, deferred payment, interest-free loan. The loan amount includes the total spent on repairs and a filing fee for up to \$30,000 or available equity.

There are no monthly or quarterly payments; instead, payment is due in full when the recipient is no longer the owner-occupant or refinances. Typically, this is when the owner sells the property but also includes transfers of title, using another property as a primary residence, or consolidating debt on the house as a few examples.

ELIGIBILITY

To be eligible for the program, an applicant must satisfy ALL the following requirements:

1. Must occupy a one- or a two-family dwelling unit (including condos), located in the Town of Amherst or in the Village of Williamsville, as the primary residence.
2. Must be owner of record with the Erie County Clerk's office a minimum of 2 years prior to application. Transfers via a will or divorce without a subsequent deed is insufficient.
3. Payments for property taxes and any loans on the property must be current.
4. There cannot be a reverse mortgage or private mortgage (i.e. a loan with an individual).
5. Foreclosure or loan modification processes cannot have occurred within the past 2 years.
6. There must be enough equity, based on the Town's assessment, to accommodate the loan.
7. The ratio of housing debts and property taxes to gross income must be less than 45%.
8. The total yearly gross household income must be less than the limit listed below based on the number of household members living in the property as a primary residence:

Annual Household Income for a Loan to Cover the Cost of Repairs

<u>Household Size</u>	<u>Income</u>	<u>Household Size</u>	<u>Income</u>
1	\$ 56,850	5	\$ 87,700
2	\$ 65,000	6	\$ 94,200
3	\$ 73,100	7	\$ 100,700
4	\$ 81,200	8+	\$ 107,200

DEFINITIONS

Household Member:

All persons for whom the property is a primary residence at the time of application. This includes individuals staying long term on a temporary basis, even if planning to move.

Income:

The gross income (before any deductions, such as taxes) of all household members 18+ years old count towards the household total, even if one doesn't contribute to daily household expenses. Most types of funds received by household members count as income per HUD's rules. Examples include wages with tips and overtime, taxed or untaxed social security, child support, dividends, rental income, ongoing eBay sales, self-employed business profits, delivery app commissions, regular financial gifts, etc. Even if the amount is irregular (ex. commissions or overtime), if it is consistently received over weeks, months, or years then it is considered income. This may also include a fractional value of an asset. Limited exceptions apply such as service-disabled veteran benefits and tax return refunds.

APPLICATION

To apply, please contact the office by submitting a wait list form (posted on the Town's website) or via one of the methods below:

Phone:

(716) 631-7082

Email:

rboerschig@amherst.ny.us

Mail or In-Person:

Town of Amherst

Attn: Community Development*

5583 Main Street

Williamsville, NY 14221

Website:

www.amherst.ny.us

Click on "Community Development"

(keyword: community)

**Located in the Planning Department*

Please note that when the demand for the program increases, response time may slow and a waiting list to apply may be established until spots become available for funding.

Other Considerations:

- The applicant is responsible for submitting all required documents to apply. HUD regulations mandate certain records be submitted to verify taxpayer funds are disbursed appropriately. Claims of burden and redundancy cannot result in exceptions.
- The income definitions, limits, and calculation methods are from HUD regulations and cannot be changed. An eligible income on a tax return does not guarantee current eligibility. A denied case will be revisited only if an arithmetic error is discovered.
- All listed owners on the deed must sign the program's loan. However, if they are not occupants (divorced, life estate, trust, etc.), they are not considered household members.

ELIGIBLE REPAIRS

Typical Eligible Repairs:

- Roof and Gutter Replacements
- Downspouts to Storm Sewers
- Foundation Repairs and Waterproofing
- Heating System Replacements (Furnace)
- Hot Water Tank or Boiler Replacements
- Exterior Siding Replacement or Painting
- Replacement Windows and Doors
- Basic Electrical Repairs
- Basic Interior / Exterior Plumbing Repairs
- Attic & Wall Insulation

Other Considerations:

Please inquire about the eligibility of other repairs.

Eligibility of any repairs for funding is determined by the program's building inspector during their initial inspection of the property.

Luxury items such as air conditioning (unless replacement or medical necessity), high-end or bay windows, automated or inserted blinds, granite countertops, kitchen cabinets, etc. may be permitted only if the additional cost is paid for up front by the homeowner.

EMERGENCIES

This program offers loan financing, not repair services directly. Therefore, the program cannot provide immediate relief for urgent matters and cannot pay for work completed outside of program-administered contracts. Instead, cases determined to be emergencies bypass the waiting list, if one exists, and are processed with priority proportional to the threat to the occupants' health and safety. Proof of emergency status, including an inspection, may be required.

The following may be considered emergency situations:

- Any condition endangering the occupant's health and safety.
- Inoperable heating systems or essential plumbing.
- Breakdowns in septic, sewer, or storm water systems.
- Roof causing water damage to internal living spaces.
- Hazardous electrical wiring or lack of electricity in living spaces.
- Excessive damage to living spaces due to fire, water, wind, snow, etc.
- Severely collapsing foundation walls or support columns.

VETERAN GRANT

Eligible owners who are military veterans, active military personnel, or surviving spouses who submit a DD-214 form can receive a grant. Of the \$30,000 loan available, the first \$5,000 is a grant that is forgiven at 20% per year. The remainder is given as a no interest loan previously described. Funds for the grant are limited and available on a first-come first-served basis.

TOWN OF AMHERST HOUSING REHABILITATION PROGRAM PROCEDURES OUTLINE

1. When funding is available, the owner is mailed an application to complete and return to the Community Development office on time else be removed from the waiting list.
2. Verification of income, ownership, housing debt standing, etc. is completed.
3. The building inspector examines the property for necessary and eligible repairs including paint failure. Interior and exterior photos may be taken for historic review.
4. If the repairs will disturb painted surfaces or if there is peeling paint, lead paint testing must be done on the whole property. The program pays for the testing. ***If lead paint hazards are found, they must be addressed first even if not part of requested repairs.***
5. The building inspector prepares the "Work Write-Up" of approved work. ***No additions will be accepted once the scope is finalized*** (except for unforeseen emergencies and change orders necessary to complete the approved scope). ***Emergency and lead hazard repairs must be completed first; refusal to comply will terminate participation.***
6. The owner solicits at least two comparable estimates per requested repair using the bid package's "Work Write-Up" provided by program staff within about four months.
7. The owner submits bids for program staff to review and states preferred contractor(s). The selected bid(s) must be within 10% of the lowest bid(s).
8. Program staff draft contract between owner and contractor for both parties to sign. **Do NOT sign contracts or begin work without permission from program staff to do so.**
9. The participating owner and any other owners listed on the deed sign a note & mortgage.
10. After proper paperwork is signed, a "Notice and Order to Proceed" will be issued to the Contractor. **Payment will NOT be made for any work begun prior to the issuance of a "proceed order" or outside the scope of the contract.**
11. Contractor obtains permits and begins work based on their and owner's schedules.
12. The building inspector makes inspections during the time the Contractor is working. Partial payments can be made for completed work on multi-part projects.
13. The building inspector makes inspection to verify when the work is completed and checks if the owner is reasonably satisfied. The owner and building inspector authorize payment. ***If the contractor correctly fulfilled the terms of contract, payment should be authorized in a timely manner else the owner risks a mechanic's lien or lawsuit.***
14. The owner is given any guarantees or warranties by the contractor.
15. The final check to the contractor is issued by the Town and the loan is filed.

WHAT TO EXPECT AND WHAT NOT TO EXPECT FROM THE HOUSING REHABILITATION PROGRAM

Items that the Homeowner Completes In the Housing Rehabilitation Program

The program will help homeowners during the home improvement process, but homeowners are responsible for making the choices and completing the items listed below.

1. Homeowners help inspect their house and point out problems.
2. Homeowners sign a homeowner/contract agreement with the contractor.
3. Homeowners inspect and approve work performed by their contractors.
4. Homeowners request and approve payments made to their contractors.
5. Homeowners work with contractors to settle disagreements during the job.
6. Homeowners call/write their contractors to ask them to correct problems covered by contractor warranties during the first year after the job has been completed.

What Homeowners Should Understand Before Participating in the Housing Rehabilitation Program

1. Not all the work that homeowners want done can always be done.
2. Repairs will correct one or two problems but might not solve all problems. Resolved problems may reappear years later due to weathering or changed environmental conditions.
3. Don't expect your house to be completely new when work is done. Don't expect all floors, walls, ceilings, doors, windows, etc. to be completely plumb, level and square.
4. Frequently homeowners will hire small construction companies because they are able to do more work for limited funds than larger, more expensive construction firms.
5. Sometimes it can be stressful living in a house while a contractor is doing work.
6. Very few times in life is anyone completely satisfied with things they buy or have repaired. Buying a house or having a house repaired is no different.
7. Houses built over 50 years ago and/or houses identified individually or within a state or national register eligible district in the 2017 Intensive level Survey of Historic Resources are subject to a State Historic Preservation Office (SHPO) review. Interior and exterior photos of the property may be required. Restrictions may be placed on repairs if they are found to have an impact on SHPO designated historic features.
8. The program is *NOT* a contractor, does *NOT* recommend contractors, and *CANNOT* guarantee homeowners will be satisfied with the work done by their contractors. The program *CANNOT* guarantee any or all presented problems will be completely resolved.

**TOWN OF AMHERST
HOUSING REHABILITATION PROGRAM
RENTAL UNIT GUIDELINES**

The owner must agree to charge a rent not in excess of published Fair Market Rents (“FMR”) for one year after final payment is made to the contractor. Fair Market Rents that include all utilities should not exceed:

Fair Market Rents include all utilities:

0 Bedroom = \$ 1,105
1 Bedroom = \$ 1,139
2 Bedroom = \$ 1,343
3 Bedroom = \$ 1,640
4 Bedroom = \$ 1,869

(These figures are based on a gas-operated furnace, range and water heater for a 2/3 family house.)

Published figures must be used to calculate rent adjustments where tenants provide heating, cooking, water heating, water, range, and fridge. Rents that do not include utilities should not exceed approximately:

Fair Market Rents without utilities:

0 Bedroom = \$ 1,013
1 Bedroom = \$ 1,030
2 Bedroom = \$ 1,204
3 Bedroom = \$ 1,474
4 Bedroom = \$ 1,678

Alternatively, affordable rent shall be considered to mean no more than the existing rent plus an annual increase of no more than 5% (based on rent without utilities), provided that the resulting rent does not exceed the Affordability Standard for low- and moderate-income households.

In addition, the owner must agree not to discriminate against potential tenants based on race, color, religion, sex, gender, sexual orientation, familial status, national origin, and source of income including the receipt of rental assistance.

The owner must sign an agreement at the time of applying that they will adhere to these fair market rent and nondiscrimination in housing regulations.

**TOWN OF AMHERST
HOUSING REHABILITATION PROGRAM
RENTAL UNIT AGREEMENT**

As the owner of the property at _____ and the recipient of Community Development funds for the improvement of that property, I agree not to discriminate against prospective tenants of assisted dwelling units on the basis that they have a minor child who will be residing with them, nor on the basis of their eligibility for or receipt of housing assistance under any Federal, State or local housing assistance. In addition, I agree not to discriminate against prospective tenants of assisted dwelling units based on protected characteristics.

During the initial twelve months following the final payment for rehabilitation I agree to accept a rent not to exceed the limit below determined by bedroom count and utility inclusion:

<u>Utilities Included:</u>	<u>Utilities Excluded:</u>
0 Bedroom = \$ 1,105	0 Bedroom = \$ 1,013
1 Bedroom = \$ 1,139	1 Bedroom = \$ 1,030
2 Bedroom = \$ 1,343	2 Bedroom = \$ 1,204
3 Bedroom = \$ 1,640	3 Bedroom = \$ 1,474
4 Bedroom = \$ 1,869	4 Bedroom = \$ 1,678

I understand that violating these terms can result in the loan(s) on my property becoming due and payable. I consent and will adhere to these terms.

Owner

Date

(Co-Owner)

(Date)