

Name of CHDO: _____

Project Address: _____

CHDO Requirements		Rule Citation	Supporting document ready to be submitted	Already submitted with last project	Documentation
1. Legal Structure					
1.1.	The organization is organized under state or local law.	§92.2 CHDO Definition ¶ (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Articles of Incorporation; and <input type="checkbox"/> Bylaws; and <input type="checkbox"/> Certificate of Good Standing
1.2.	The organization has among its purposes provision of low income housing.	§92.2 CHDO Definition ¶ (7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Charter, Articles of Incorporation, By-laws, OR Resolutions
1.3.	The organization has no part of its net earning inuring to the benefit of individuals.	§92.2 CHDO Definition ¶ (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Organizational Charter, OR Articles of Incorporation
1.4.	The organization is not under the control or direction by any individual or entity seeking to derive profit or gain.	§92.2 CHDO Definition ¶ (3)	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable, organization not sponsored by a for-profit	<input type="checkbox"/>	<input type="checkbox"/> The organization's By-Laws; OR A Memorandum of Understanding (MOU)
1.5.	The organization has one of the following IRS tax exempt statuses: 1.5.1. - Exemption under 501(c)(3) or 510(c)(4) 1.5.2. - Subordinate of a central nonprofit under IRC Section 905; or 1.5.3. Wholly owned subsidiary of organization that has 501(c)(3) or (c)(4) status and meets the CHDO definition.	§92.2 CHDO Definition ¶ (4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 501(c)(3) or (4) ruling/designation from the IRS, OR A group exemption letter from the IRS under Section 905 that includes the CHDO
1.6.	The organization is not a governmental entity (including participating jurisdiction, other jurisdiction, Indian tribe, public housing agency, Indian housing authority, housing finance agency, redevelopment authority, zoning board or commission).	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> By-laws, Charter, OR Articles of Incorporation; and <input type="checkbox"/> Current Board Roster indicating which members, if any, are public officials or employees of government entities, and <input type="checkbox"/> Board Membership – Public Sector Representation form

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2. Independence					
2.1.	<p>Public Officials of a governmental entity may comprise no more than 1/3 of the board.</p> <p>Public Official includes the following:</p> <p>Elected City Officials, Appointed City Officials (e.g. appointed commission, or any other regulatory and/or advisory board members), all public employees (City, Schools, etc.), and any individual who is not necessarily a public official, but who has been appointed by a public official to serve on the CHDO board.</p>	§92.2 CHDO Definition ¶ (5)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <input type="checkbox"/> By-laws, Charter, OR Articles of Incorporation; and <input type="checkbox"/> Current Board Roster indicating which members, if any, are public officials or employees of government entities, and <input type="checkbox"/> Board Membership – Public Sector Representation form
2.2.	Officers and employees of a governmental entity cannot be officers or employees of a CHDO.		<input type="checkbox"/>	<input type="checkbox"/>	
2.3.	Low income Public Officials can ONLY count toward the Public Official requirement. They CANNOT count toward the 1/3 Low Income requirement.		<input type="checkbox"/>	<input type="checkbox"/>	
2.4.	If the organization was created by a governmental entity, then the governmental entity that created the organization may not appoint more than 1/3 board members and public-appointed members may not appoint remaining 2/3.		<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		
2.5.	If the organization was created by a for-profit entity, then 2.4.1. through 2.4.4. apply:		<input type="checkbox"/> Applicable	<input type="checkbox"/> Not Applicable	
	2.5.1. - The for-profit entity that created the organization may not be a housing builder, developer, or manager.	§92.2 CHDO Definition ¶ (3)(i)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <input type="checkbox"/> For profit organization's By-Laws; and <input type="checkbox"/> CHDO's By-Laws, Charter OR Articles of Incorporation; <input type="checkbox"/> Current Board Roster indicating which members, if any, are appointed by a for-profit parent entity
	2.5.2. - The for-profit entity that created the organization may not appoint more than 1/3 board members, and for-profit-appointed members may not appoint remaining 2/3 of board.	§92.2 CHDO Definition ¶ (3)(ii)	<input type="checkbox"/>	<input type="checkbox"/>	
	2.5.3. - Officers and employees of the for-profit entity that created the organization cannot be officers or employees of the CHDO.	§92.2 CHDO Definition ¶ (3)(iv)	<input type="checkbox"/>	<input type="checkbox"/>	
	2.5.4. - The organization must be free to contract for goods & services with others.	§92.2 CHDO Definition ¶ (3)(iii)	<input type="checkbox"/>	<input type="checkbox"/>	

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3. Accountability to the Low Income Community				
<p>3.1. At least 1/3 of the board members are: 1) low-income; 2) residents of a low-income neighborhood; or 3) elected representatives of a low-income neighborhood organization.</p> <p>Low income representation board members must reside in the CHDO's defined service area.</p> <p>Public Sector board members CANNOT count toward this 1/3 low income requirement.</p>	§92.2 CHDO Definition ¶ (8)(i)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <input type="checkbox"/> By-laws, Charter, OR Articles of Incorporation; and <input type="checkbox"/> Current Board Roster indicating which members this criterion along with documentation of each such board member's qualification (e.g. Certification of Low Income form, Board Membership, Low Income Neighborhood Requirement form OR Copy of designation by low income neighborhood organization)
<p>3.2. The organization has a formally adopted process for low-income beneficiaries to advise on decisions regarding design, siting, development, and management of housing.</p>	§92.2 CHDO Definition ¶ (8)(ii)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <input type="checkbox"/> By-laws, Resolutions, OR A written statement of operating procedures approved by the governing body; and <input type="checkbox"/> Statement signed by the president or chief executive officer describing input sought and received on the current project proposal
<p>3.3. The organization has at least 1 year of serving the community, or, if newly formed, its parent organization meets this requirement.</p>	§92.2 CHDO Definition ¶ (10)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <input type="checkbox"/> A statement that documents at least one year of experience in serving the community, OR For newly created organizations formed by local churches, service or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community

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4. Capacity					
4.1. The organization has paid employees with demonstrated experience relevant to the CHDO's role in undertaking the HOME activity to be funded. (Note: this does not include volunteers, board members, donated or shared staff, or consultants – except as described in 4.1.1. below).	§92.2 CHDO Definition ¶ (9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Contract, W-9 OR 1099 of each staff member of the CHDO (Note, this may be included as part of the development team package of the application for the project); and <input type="checkbox"/> CHDO Staff Capacity Evaluation
4.1.1. - During the first year of an organization's participation as a CHDO only, capacity can be demonstrated through a contract with a consultant who has housing development experience to train appropriate key staff of the organization.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Copy of contract; and <input type="checkbox"/> CHDO Staff Capacity Evaluation
4.2. The organization has financial management systems that conform to 2 CFR part 200.	§92.2 CHDO Definition ¶ (6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> A notarized statement by the president or chief financial officer of the organization; and <input type="checkbox"/> A certification from a Certified Public Accountant, OR A HUD approved audit summary

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CHDO ROLE					
5.	CHDO Set-Aside Project <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable CHDOs can undertake either homebuyer or rental projects, as described below, with CHDO set-aside funds:				
5.1.	Homebuyer Project <input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable To qualify under CHDO set-aside, must meet either 5.1.1. or 5.1.2., and 5.1.3:				
	5.1.1. - Developer: The organization is or will be the owner in fee simple and the developer of new or rehabilitated units for sale to low-income buyers, or	§92.300(a)(6)	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		
	5.1.2. - Sponsor: The project will be developed by an eligible CHDO affiliate, including: <ul style="list-style-type: none"> • A wholly owned subsidiary of the CHDO; or • A limited partnership of which the CHDO or its wholly owned subsidiary is the sole general partner; or • A limited liability company of which the CHDO or its wholly owned subsidiary is the sole managing member. 	HUD is seeking a technical correction	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		
	5.1.3. - The organization will control the development process including, at a minimum, arranging financing for the project and being in sole charge of construction.	§92.300 (a)(6)(i)	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		
5.2.	Rental project <input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable To qualify under CHDO set-aside, must meet one of the following:				
	5.2.1. - Own: The organization is or will be owner in fee simple absolute (or will hold a ground lease) for at least the period of affordability. If project involves rehabilitation or construction, organization will <u>oversee</u> all aspects of development.	§92.300 (a)(2)	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		
	5.2.2. Develop: The organization is or will be owner in fee simple absolute (or will hold a ground release) for at least the period of affordability, and will <u>be in sole charge</u> of all aspects of the development process.	§92.300(a)(3)	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable		

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5.2.3.	<input type="checkbox"/> Applicable <input type="checkbox"/> Not Applicable				
Sponsor:					
Must meet one of the following:					
5.2.3.1. - The organization will own and develop project that it will convey at a predetermined time after completion to a designated nonprofit (that was not created by a governmental entity).		§92.300(a)(5)	<input type="checkbox"/> Applicable	<input type="checkbox"/> Not Applicable	
5.2.3.2. - The project will be owned and/or developed by an eligible CHDO affiliate, including:	<ul style="list-style-type: none"> • A wholly owned subsidiary of the CHDO; or • A limited partnership of which the CHDO or its wholly owned subsidiary is the sole general partner; or • A limited liability company of which the CHDO or its wholly owned subsidiary is the sole managing member. 	§92.300(a)(4)	<input type="checkbox"/> Applicable	<input type="checkbox"/> Not Applicable	
CHDO CERTIFICATION					
6.	CHDO Certification				
	<input type="checkbox"/> The organization meets <u>all</u> CHDO regulatory thresholds; and				
	<input type="checkbox"/> The organization has a project meets the project eligibility requirements of 92.300 for a reservation of CHDO set-aside funds.				

Signature _____

Date _____

Name _____

Title _____