

## **HOME Down Payment Assistance**



**Andy Schor, Mayor**

**City of Lansing  
Development Office  
316 N. Capitol Ave. Suite D-1  
Lansing, MI 48933  
Phone: 517-483-4040**

## **Down Payment Assistance Policy and Procedures Manual Fiscal Year 2020**

Created 10/19/2017

HOME Program Policy and Procedures Guidelines for City of Lansing  
Development Office

---

**Table of Contents**

Home Program Overview	3
General Program Information	3
Maximum Amount of Assistance	3
Loan Terms	3
Repayment	3
When to Apply	3
Using City of Lansing DPA with other DPA sources	5
Definitions	5
Loan Processing and Program Administration	7
Application Requirements	8
Where to Submit Applications and Documentation	10
Commitment of Funds	10
Closeout Processing	10
Administrative Guidelines	11
Underwriting Policy and Procedure	11
Seller Responsibilities	16
Property Eligibility	17
Lender Responsibilities	18
City Responsibilities	20
Recapture Provisions for Down Payment Assistance	21
Eligible Costs/Prepaid Expenses	24
Appeals	26
Instructions for Obtaining Commitment of Funds	26

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## **HOME Program Overview**

The City of Lansing Development Office provides this manual as a resource for implementing its HOME Down Payment Assistance Program.

**Purpose of This Manual:** This manual serves as the City of Lansing Development Office administrative policy and procedure manual for its HOME Down Payment Assistance Program specifically.

**Updates:** Note that information may change as issued by the Department of Housing and Urban Development for a variety of reasons, including changes to federal regulations, City requirements, and in the interpretation or clarification of a federal regulation.

This manual is not meant to be a substitute for HOME regulations 24 CFR Part 92, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of HOME funds. The Development Office reserves the right to add, remove or change policies, procedures or forms in this manual. Notwithstanding any information contained herein, where a conflict of language or omission of requirements occurs, the requirements of the Federal Notice and HUD Guidance on the HOME Program, as may be amended from time to time, shall prevail.

Additionally, due to funding limitations, not all HOME eligible activities are represented herein. Primary focus is placed on HOME required regulatory changes that must be included in the PJ's policy and procedures and the eligible activity programs in place. However, in looking forward for the purpose of addressing priority targets identified in the Five-Year Consolidated Plan 2016-2021, for-sale housing production guidelines and implementation detail of 24 CFR 92.2; 92.250; 92.252 and 92.254 are added for compliance under the 2013 New HOME Program Rule.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## **General Program Information**

The City of Lansing Down Payment Assistance (DPA) Program (hereafter “Program”) is allocated from a portion of the city’s federal Department of Housing and Urban Development’s (HUD) HOME Investment Partnerships Program (HOME) funding to provide home ownership assistance. This Program is being made available through the city’s Development Office. Funds are reserved on a first-come, first-served basis.

## **Maximum Amount of Assistance**

The goal of the Program is to expand home ownership opportunities for income-eligible households and to increase homeownership within the city of Lansing.

**Loans to eligible applicants not to exceed \$40,000 (adjusted based on household need including recurring monthly expenses)** for down payment and reasonable closing costs incurred in the purchase of property located within the Lansing city limits, with the exception of homes that are in the flood plain.

## **Loan Terms**

Program subsidies are provided as a ten year, zero-interest loan which are secured by a promissory note and mortgage subordinate to those of the primary lenders. If the Homebuyer meets all Program requirements, the loan will be forgiven after ten years. The loan becomes immediately due and payable in full if the property ceases to become the Homeowners principal-place of residence. **First mortgages must have a fixed-rate and include the escrows of taxes and insurance.**

## **Repayment**

Homebuyers are required to repay loan funds in full during the first ten years of their loan if they vacate, sell, transfer or assign any legal or equitable interest in the property at any time on or after the execution date of this mortgage product, which amount shall be immediately due and payable in full. Loan amounts are not forgiven at a pro-rated amount. Prepayment of Down Payment Assistance Loans is not allowed.

## **When to Apply for Down Payment Assistance**

A purchaser of an eligible new or existing single-family residence may apply for Program funds after they have been pre-qualified by a MSHDA-approved first-mortgage lender and put in an offer on a home. A home owner cannot apply for Program funds after the mortgage loan has been closed. Program funds cannot be

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

provided to a homebuyer who is refinancing an existing mortgage or land contract, or purchasing a home on a land contract.

## **Using Lansing's Down Payment Assistance with other funds**

Program funds **can** be used in combination with employer assisted down payment incentives, as well as Individual Development Accounts (IDAs). Program funds **cannot** be used in combination with Michigan State Housing Development Authority (MSHDA) down payment assistance, but **can** be used with a MSHDA mortgage.

### **A. 2013 HOME Rule**

The 2013 HOME Rule requires Participating jurisdictions to develop and follow written policies and procedures for underwriting homebuyer assistance, responsible lending and re-subordination of HOME debt in the event of private debt refinancing. The 2013 Rule requires subsidy evaluation and underwriting of all HOME projects to ensure HOME funds invested are reasonable and necessary to ensure project viability for at least the affordability period.

Under 92.254(f), PJ's underwriting standards and policies must address:

- Housing debt and household total debt
- The need for assistance and the appropriateness of the assistance amount
- Recurring monthly household expenses
- Assets available to acquire the housing, and
- Financial resources available to the household to sustain homeownership

## **Definitions**

As used in this operating manual, the words and terms listed below are defined as follows:

Acquisition Cost: The selling price of a property as agreed upon by Buyer and Seller in the purchase agreement. The maximum acquisition cost of an existing single-family existing home within the Lansing City Limits in Ingham County is **\$137,000**. Within the Lansing City Limits in Eaton County the maximum acquisition cost of a single family existing home is **\$145,000**. For new construction, the maximum acquisition cost of a single family home within the

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Lansing City Limits in Ingham County and Eaton County is **\$227,000** in order to qualify for this HOME assistance (see page 24, HOME Sales Price Limits).

Affordability Period: The affordability period for Lansing's Down Payment Assistance Program is 10 years.

Annual Income: The Development Office adopts the Part 5 definition of income (Part 5 Annual Income). When determining the annual income of an individual or family, the HOME recipient must use the standard for calculating annual income under 24 CFR 5.609.

Borrower: A person meeting the criteria set forth in this manual that is in the process of obtaining financing for a principal residence. Used interchangeably with "Homebuyer" or "Buyer".

City: The City of Lansing

Co-Borrower: A person who joins the Borrower in the mortgage transaction by signing the mortgage and promissory note, and whose name appears on the title to the property. All borrowers must be owner-occupants of the home being purchased.

Debt to Income: Borrower's total monthly fixed (12 months or more remaining payments including new mortgage with escrows) debt to income ratio **cannot exceed 45%** of the borrower's gross monthly income.

Homebuyer or Buyer: A person meeting the criteria set forth in this manual that is in the process of obtaining financing for a principal residence. Used interchangeably with "Borrower".

Household: A single person or two or more persons living together not contrary to law (e.g.; traditional families, two unmarried persons, a single parent and child, etc.)

Housing to Income: Borrower's mortgage, including escrows for taxes and insurance, **cannot exceed 33%** of borrower's gross monthly income.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Lender: An organization which provides financing for the acquisition of single-family residences in accordance with the provisions of this manual.

Low and Moderate Income: Income limits as defined per 24 CFR Part 5 of the Code Federal Regulations. See Appendix A.

Pre-Purchase Homebuyer Counseling: Instruction of prospective homebuyers on issues concerning the process of purchasing property, financing, and household budgeting. A list of HUD Approved Housing Counseling Agencies for pre-purchase homebuyer counseling can be found at <https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

Single-Family Residence: A housing unit intended for occupancy by a single household.

Qualification Entity: The Qualification Entity is the organization that the Development Office designates as the point of contact for the Down Payment Assistance Program.

Zero-Interest Loan: An interest free loan that will be 100% forgiven after ten years provided Program requirements are met. The loan becomes immediately due and payable in full when the Property ceases to be the Homebuyer's principal place of residence. However, if after the first five years you purchase another principal residence within the Lansing city limits, we will forgive the remaining portion of the loan as an incentive to continue living in the city of Lansing, if the Down Payment Assistance Loan does not exceed \$14,999. No pre-payment of this loan is allowed.

## **Loan Processing and Program Administration**

The City of Lansing Development Office is the Program Administrator. The City will provide information packets containing a description and forms for the Program to anyone interested. Information packets can also be obtained from Pre-Purchase Homebuyer Education counselors, or from our website at <https://lansingmi.gov/236/Down-Payment-Assistance>

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Application / Reservation Processing by the City

- a. The city initiates a file on the applicant, reviews the application for completeness and requests additional information if needed.

**Application to the city must include the following:**

- ✓ Pre-Purchase Homeownership Certification of participation.
- ✓ Household Composition form (COL-01)
- ✓ Income & Assets Checklist – one for each household member over 18 (COL-02)
- ✓ Verification of Resources – completed form #COL-03 and most recent bank statement
- ✓ Verification of Earnings – completed form #COL-04 – If applicable
- ✓ Income Verification. We need verification of all sources of income for all members of the household including children. This is a list of some possible income sources and the paperwork needed for each. Call our office if you think you need a form or have questions about the paperwork or you have sources of income not listed.

<b>Kind of income</b>	<b>Form to complete and/ or information to provide</b>
Employment	Verification of Earnings form <b>and</b> two month’s pay stubs
Social Security, SSI, Disability, Work Comp, unemployment, education grants	Letter from appropriate authority stating amount being received
Vet Admin, Active duty pay, GI bill benefits	Letter from Military authority stating amount being received
Family Independence Agency	Verification of Income - FIA form <b>and</b> copy of FIA check
Child support, alimony	Verification of Income - FOC form <b>and</b> copy of FOC check
Pension	Verification of Income Pension form <b>and</b> pension statement
Self employed	YTD ledger (See section on income tax return)



## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

- ✓ Income Tax Returns. If self-employed, we need a copy of last year's Federal tax return, including copies of 1040 forms, W-2's, and all attached schedules). If self-employed or seasonally employed, then we need the last two years of tax forms, W-2's and all attached schedules. The IRS Form 4506 will also be required. There is a \$50 charge for submission of the 4506 form to the IRS. The Homebuyer shall pay for submission if required.
  - ✓ School Verification. If someone in the household is over 18 and a student, they must complete the top portion of the School Verification form, and then take form to their school for completion. (COL-05)
  - ✓ Picture identification copies for all loan applicants.
  - ✓ Social Security number for all loan applicants.
  - ✓ Authorization to Release Information form (DPA-5)
  - ✓ Lead Booklet Receipt (DPA-8)
  - ✓ Notification to Seller regarding HOME fund use, form (DPA-2)
  - ✓ Occupancy/Vacancy Certification (DPA-3)
  - ✓ Funding Statement (DPA-6) – **Requires signature of Buyer(s), Seller(s), Lender, and Buyer's Agent**
  - ✓ Purchase Agreement, including Seller's Disclosure and all addendums
  - ✓ Fully executed Good Faith Estimate of closing costs
  - ✓ Uniform Residential Loan Application
  - ✓ Underwriting approval document
  - ✓ Name, phone number, and fax number of Buyer's Agent and Lender
  - ✓ Inspection Request (DPA-9)
- a. The Qualification Entity makes preliminary determination on applicant eligibility including, but not limited to, income and asset eligibility and credit report.
  - b. The Qualification Entity requests an inspection from City DPA Finance Agent. Finance Agent requests inspection from City staff.
  - b. If property meets HOME standards for Down Payment Assistance, or the seller agrees to make required repairs in order to meet HOME Standards and does so, the City makes preliminary determination of property eligibility including but not limited to, purchase price, location and occupancy.
  - c. When property passes inspection, the City will reserve Program funds and notify the Lender and applicant of the reservation and estimated amount of the loan.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## Where to submit Applications and Required Documentation:

Submit Applications to the Qualification Entity:

Capital Area Housing Partnership  
600 W. Maple Street  
Lansing MI 48906  
Phone: (517) 332-4663

### 2. Commitment of Funds/Mortgage and Promissory Note

- a. After the Lender has submitted all necessary documentation, the City sends the Lender a verification of Commitment of funds indicating the estimated amount of funds (**based on need**) the City will provide the Homebuyer.
- b. The City prepares Program mortgage and promissory note documents.
- c. The City prepares a check for the estimated loan amount payable to the title company handling the closing. **Loan funds are to be used to cover recording fees for the Program mortgage.**
- d. Prior to closing, the City will either make available for pick up the mortgage, promissory note, check and instructions to the title company, or will have a representative present at the closing.
- e. The Lender or Title Company will provide the City with actual closing costs and prepaid expenses per the Closing Statement as soon as available prior to closing.
- f. The City will compare actual closing costs and prepaid expenses to the estimates and double-check that the Homebuyer's contribution is at least \$500.

### 1. Close-Out Processing

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

After closing on the loan, the title company must submit to the City the following documents:

- ✓ Closing Statement, with original signatures
- ✓ Copy of the final loan application (1003) with signatures
- ✓ Copy of PROGRAM Mortgage Document – Original to be sent to Register of Deeds Office (recording fees for this document is to come out of PROGRAM loan funds)
- ✓ Signed original PROGRAM Promissory Note
- ✓ Copy of the deed to the property
- ✓ Proof of homeowner’s insurance including City as additional mortgagee

## I. ADMINISTRATIVE GUIDELINES

### Overview

Specific Program requirements are covered in this section and are incorporated in the documents contained in this operating manual.

#### A. Underwriting Policy and Procedure: Criteria to Determine Homeowner Eligibility

The City of Lansing reserves the right to evaluate an applicant’s eligibility based on the following criteria in a manner consistent with the intent and purpose of the Program. Employees of the City of Lansing and their spouses are not eligible to participate in the Program.

1. Age – Homebuyer(s) must be 18 years of age or older.
2. Citizenship - Evidence of citizenship or eligible immigration status is required. Applicants must have permanent lawful resident status in the United States of America, which includes “permanent resident alien”, “resident alien permit holder” and “Green Card holder”.
3. Real Estate Assets-Applicants cannot have owned any real estate within 3 years of application to the Down Payment Assistance program
4. Income Limits – Homebuyer’s annual household income includes the **earned** income of all household members 18 years of age and older, **unearned** income of all household members regardless of age, and

## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

shall not exceed 80% of area median income, as adjusted for family size, and as published periodically by the U.S. Department of Housing and Urban Development (HUD). See <https://www.hudexchange.info/manage-a-program/home-income-limits/>

5. Eligible Properties: Eligible properties for purchase include attached or detached single family homes and condominium units. HOME funds can assist the owner-occupied unit and the pro-rated share of common costs.
6. Property Value Limits: The housing purchase price and after rehab value may not exceed 95% of area median purchase price per §92.254(a)(2)(iii). See <https://www.hudexchange.info/resource/2312/home-maximum-purchase-price-after-rehab-value/>
7. Affordability Period: The affordability period length for Down Payment Assistance loans is 10 years.
8. Financial Stability: Eligible buyer(s) are expected to maintain financial stability for the affordability period. At time of underwriting, the PJ shall examine: 1) buyers' savings/reserves, 2) recurring monthly household expenses in addition to consumer debt included in back end (total debt) ratio (including but not limited to daycare, health insurance, and other monthly recurring expenses over \$50.00), 3) home utility costs, (4) property maintenance and eventual replacement costs.
9. Homebuyer Education: Eligible buyers must successfully complete homebuyer education course administered by an individual counselor who has received training approved by HUD to provide homebuyer education before closing on their new home. A list of certified Homeownership Counselors is available at [www.michigan.gov/mshda](http://www.michigan.gov/mshda)

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

10. Homebuyer Contribution: The homebuyer shall make cash contribution toward the down payment and closing costs of a minimum of \$500.
11. Assets: If buyer(s) has/have liquid assets in excess of \$20,000, then the buyer(s) is/are required to invest the excess into the home purchase before receiving a Homebuyer Assistance loan over \$1,000.
- a. Savings account balance
  - b. Average 6-month balance in checking accounts
  - c. Stocks, bonds, savings certificates, money market funds or other investment accounts, not including retirement accounts
  - d. Lump-sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements and other claims
  - e. Cash value of trusts available to the household.
13. Liabilities: The household can have no other liabilities or judgments that might jeopardize ownership of the home.
14. Credit: The following are not acceptable for buyers or their co-borrowers: Collections, unpaid accounts, judgements and defaulted federal debt (student loans and old FHA loans).
15. Down Payment Assistance Loan: The DPA Loan is between the buyer(s) and the City of Lansing, and is secured with a recorded Mortgage and Note amount equal to the home's sale price plus the buyer's closing costs and prepaid escrows minus the buyer's first mortgage minus the buyer's cash investment (minimum \$500.00).

Minimum Down Payment Assistance loan amount is \$1,000 to secure the federal funds invested in the purchased property.

Maximum Homebuyer Assistance loan amount is \$40,000.00

Eligible buyers must demonstrate the need Down Payment Assistance. The maximum assistance allowable is the minimum necessary.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Buyers are expected to take the largest first mortgage they can reasonably and sustainably afford.

**Terms:** The Down Payment Assistance Mortgage and Note documents will set forth the terms and conditions.

16. Eligible First Mortgages: Eligible buyers must qualify for a responsible first mortgage with interest rates and lending terms that are competitive with those offered to buyers with good credit in the local market. The interest rate being charged to the buyer shall not be more than 2% over the current FHA interest rate.
17. First Mortgage Loan Terms: Acceptable first mortgage must be fully amortizing 30 year fixed rate loans.
18. Combined LTV: The Down Payment Assistance loan is understood to be in second lien position to the first mortgage Lender. The combined loan to value may not exceed 105%.
19. Debt –to-Income Ratios: **Monthly mortgage payment, including HOA fees, mortgage insurance, escrows for taxes and insurance cannot exceed 33%** of Homebuyer’s gross monthly income. Homebuyer’s total monthly fixed (12 months or more remaining payments) **debt to income ratio cannot exceed 45%** of Homebuyer’s gross monthly income. Recurring monthly expenses over \$50.00 will also be reviewed along with the 45% back end ratio to ensure the home is truly affordable to the buyer.
20. Guarantors: The Homebuyer must meet credit and underwriting criteria established by the first mortgage Lender, and **must be able to obtain a fixed rate first mortgage product on their own credit history**. The Program does not allow for co-signors that will not be owner-occupants of the house being purchased.
21. Homeowner Tax and Insurance Requirements: The Homebuyer shall agree to have the taxes and homeowner’s insurance escrowed as part of the first mortgage. Insurance must be in amount acceptable to the City, on all buildings on the assisted premises for the duration of the

## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

City's mortgage. **The City shall be listed as a Mortgagee on all property damage policies with usual loss payable to Mortgagee.**

22. Marital Status: Applicants may be single, divorced or married. If applicants are married, and are members of the same household, both spouses must co-apply for the Program even if their first mortgage is in the name of only one. In the case of married applicants, both parties must sign the application. If the applicant is married but separated from their spouse, and does not have a Judgment for Separate Maintenance, Program funds are not available since the subject property would not be the principal residence for both spouses.
23. Delinquent Debts: The Homebuyer shall not have any delinquent debts to the City of Lansing or federally insured debt.
24. Points: Homebuyer cannot purchase more than two (2) points to “buy down” on their lender mortgage product.
25. Pre-Approved Lender: The Homebuyer shall work with a MSHDA approved lender. A list of approved lenders can be found at [https://housing.state.mi.us/webportal/default.aspx?page=counseling\\_start](https://housing.state.mi.us/webportal/default.aspx?page=counseling_start)
26. Pre-Approved for Mortgage: The Homebuyer shall be pre-approved for a mortgage by a first mortgage lender prior to making application for Program funds. The Homebuyer shall agree to allow the City access to income information given to the lender in order to determine program eligibility.
27. Primary Residence: The Homebuyer shall agree to occupy the property being purchased as their **primary residence for a minimum of ten years after the date of the Program loan**. The homebuyer shall inform the City if they vacate, sell, transfer and or assign any legal or equitable interest in the property prior to this ten year period having expired. If this occurs, the Homebuyer shall be required to repay the loan in full.

## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

28. Ineligible Closing Costs: Delinquent credit obligations and “junk” fees cannot be included in the Down Payment Assistance loan.
29. Cash Back at Closing: Cash back to buyer(s) at closing is not permitted.
30. Ownership in the property including the Real estate after assistance must be individual fee simple ownership with a recorded deed.
31. Refinance/Subordination: Subordination of the Down Payment Assistance Program mortgage will only be considered for better rate and/or term with no cash back or debt consolidation.

### **a. Seller Responsibilities**

Individuals selling a home in transaction which is to be assisted with Program funds shall agree to comply with HOME Investment Partnership Program and other federal requirements, as applicable, including the following:

- i. Funding – The seller must sign the Program supplied form entitled “*Funding Statement*” to acknowledge the use of Program funds and their requirements.
- ii. Inspection / Corrections – Seller must allow for any corrections needed for the home to pass inspection. Program funds cannot be committed until the home being purchased passes an inspection by City and/or its representatives.
- iii. Uniform Relocation Act – The seller must sign the Program supplied form entitled “*Notification to Seller*” to meet requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, certifying that the sale is voluntary.
- iv. Vacancy Certification – The seller must sign the Program supplied form entitled “*Occupancy / Vacancy Certification*” stating the property was not vacated as a direct result of a federally-assisted project.



# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## b. **Property Eligibility**

Property to be purchased with Program assistance shall meet the following conditions:

- i. Federal Program Requirements – Properties shall meet all applicable federal program requirements, including but not limited to:

24 CFR Part 58.6 Environmental Clearance regulations regarding flood plain hazards and/or location of the property within a runway clear zone.

City of Lansing Residential Single Family HOME Program Standards (except that Level 1 deficiencies may be included as required repairs at the discretion of the inspector, OR may be included as recommended actions by the purchaser.

DPA only projects are NOT required to have:

- Outbuildings
- Dishwasher (existing dishwasher must be operable and clean).
- Air Conditioners, central or window (existing air conditioning units must be operable and meet minimum life requirement)
- Lead-Based Paint Risk Assessment.
- HAZMAT Survey (though visual detection of hazardous materials or friable asbestos during the UPCS Inspection must be tested and properly remediated by professionals prior to qualification for DPA Assistance).
- Thermal Energy Audit (though visual detection of improperly installed insulation during the UPCS inspection must be repaired and inadequate insulation observed during the UPCS inspection must be noted as a recommended update to the buyer).
- Storm Doors (though existing storm doors must be in good repair).
- Radon Testing (though if testing has been completed it must be submitted, and will be evaluated for recommendation of action).

Other HOME Investment Partnership Program, Federal Regulations, and City requirements as they may apply to this program.

## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

- ii. Inspection – All properties will be inspected by the City or its representative(s) for compliance with City of Lansing Residential Single Family HOME Program Standards (with exceptions listed above) and Lansing Housing & Premises Code. If repairs are called for, the completion and cost of these repairs shall be negotiated between the Buyer and the Seller. **Program funds cannot be used for, or committed to the purchase until all repairs are complete.**

It is recommended that Homebuyer hire private home and pest inspectors. The cost of these inspections is an eligible cost, not to exceed the established assistance amount (need).

- iii. Occupancy Status – Single-family properties are eligible provided the house is vacant, occupied by the existing owner or occupied by the Homebuyer.

To remain eligible for Program assistance, properties or dwelling units which are vacant at the time the purchase agreement is entered into cannot subsequently be occupied by parties other than the Homebuyer or Seller until the sale is completed and title has vested in the assisted Homebuyer. **Under no circumstance may a tenant be displaced by a sale assisted with Program funds.** Documentation proving tenants were not displaced may be required – this may include copy of lease documents.

- iv. Residential Zoning – Properties shall be located in an area zoned as residential.
- v. Structure – Properties shall be situated on a permanent foundation with permanent utility hook-ups including municipal sewer and water. Eligible properties types include: single-family detached and attached houses, condominiums, or manufactured homes on their own land.
- vi. Within the Lansing City limits. Property shall be located within the Lansing city limits, and shall not be within the 100-year flood plain (verified by the city of Lansing Zoning Office 483-4069).

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## c. Lender Responsibilities

Eligible mortgage lenders who wish to participate in the Program shall agree to the following requirements:

- i. Applicant Screening – Lenders shall select prospective homebuyers for application to the Program based on household income, property location and type, household assets, and need for financial assistance. **Program funds are intended to be used as gap financing and may not be used in place of a Homebuyer’s other resources – this is a “need” based program. Homebuyers must agree to secure the maximum mortgage amount that is affordable per the debt to income ratios and consumer and recurring monthly debt parameters described herein.** Lenders shall assist the Homebuyer with preparation of the Program application forms as well as with additional documentation needed by the City prior to disbursement of funds. The Lender shall inform the Homebuyer of all other Program requirements including, but not limited to the requirements that inspection of the property be performed; that the Homebuyer receive homebuyer counseling by a certified HUD or MSHDA counselor; that the Homebuyer obtain and maintain adequate homeowner insurance coverage with the City listed as second mortgage on all such policies.
- ii. Lender Questionnaire- Complete the entire Lender Questionnaire and include it with the submittal.
- iii. Reservation of Funds/Application – After a Homebuyer has been pre-approved for a first mortgage and a property has been identified, a lender may submit an application packet to the Qualification Entity. Funds are available on a first-come, first-serve basis.
- iv. Commitment of Funds – Program funds are not committed until the City receives all required application documents and the property being purchased passes inspection.
- v. Scheduling the Closing Date – The Lender shall schedule a closing date no earlier than two (2) weeks from the date of the City’s verifying Commitment of Funds. A commitment shall automatically

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

expire sixty (60) days from the date of the Verification of Commitment of Funds. A thirty (30) day extension may be requested by submitting a written request to the Program Manager. The City shall make a single subsidy payment to the title company engaged in closing the purchase of the property by written request, prior to the time of closing. If the requested amount is in excess of the actual amount needed at closing, the title company will be requested to return the difference to the City at closing. If it is determined by the City after closing that the Homebuyer has not contributed a minimum of \$500.00 to the closing costs or down payment, the City will request the Borrower to return funds to the City in an amount that would satisfy the \$500 requirement or for additional funding to be put toward the first mortgage principal.

- vi. City's Mortgage and Promissory Note – Lenders shall agree to accept the City's mortgage and promissory note for the Down Payment Assistance (DPA) Program assistance in a form required by federal regulations. The Lender shall not waive or vary any term of any note or mortgage evidencing and securing a Program Loan.
- vii. Misrepresentation – If the Lender becomes aware of misstatements, whether negligently or intentionally made, it shall be their responsibility to immediately notify the City. The City will take appropriate action which may include denial or cancellation of the Program subsidy. The Lender must also be aware and inform the Borrower that **both federal and Michigan law provide for fines and criminal penalties for misrepresentations made in connection with participation in the Program.**

## d. City Responsibilities

- i. HOME Regulations – The City of Lansing Development Office, or its designee or assigns, shall administer the Program in conformance with the HOME Regulations (24 CFR 92), and these administrative guidelines. The Program shall automatically adopt by reference any relevant changes to the federal regulations. Checklists and other documentation formats shall be established to assure compliance with

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Program requirements, and each file will be appropriately documented.

- ii. Application Processing – City staff shall review the Homebuyer’s application package to determine both Homebuyer and property eligibility.

A review of Homebuyer eligibility shall include, among other criteria, income determination in accordance with 24 CFR Part 5 (Part 5 Annual Income). Such income verification shall be in effect for six months, or until closing, whichever occurs first.

A review of property eligibility shall include, among other criteria, the determination of compliance with 24 CFR Part 35, Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance. Following is the process which will be used to ensure compliance.

- a. At time of application the City will verify that the Buyer has received the HUD/EPA pamphlet “Protect Your Family from Lead in Your Home”.
- b. If, based on a preliminary review of the application, it is determined that the Homebuyer and property meet Program criteria, an inspection of the property will be scheduled.
- c. An inspection report will be provided to the Lender within seven (7) working days after it has been performed.
  - i. If there are no corrections required, the City will forward a commitment to the Lender.
  - ii. If corrections are required, they will need to be completed and the property re-inspected.

- iii. **Recapture Provisions for Down Payment Assistance:** The City requires the recapture of HOME funds in the amount of the direct subsidy to the

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

homebuyer (the amount of Down Payment Assistance), per provisions described in the City's Consolidated Housing and Community Development Plan (except as superseded by federal HOME program regulations) and as specified in the mortgage and promissory note executed by the Borrower (homebuyer) at closing. Program loans are not prorated.

If the Borrower ceases to occupy the property as their principal residence and/or sells the property within the affordability period as specified within the Program Loan documents, the total loan amount becomes immediately due and payable to the Lender (the City of Lansing Development Office). The receipt of payoff amounts shall be considered HOME program income.

In those cases where a homebuyer violates the terms and conditions of their down payment assistance mortgage or note (e.g. sells the property on land contract without prior approval of the Lender, or uses the property for rental purposes) the Lender reserves the right to require the full repayment of the amount of down payment assistance. Any required repayment shall be made to the City of Lansing Development Office, not later than the 30<sup>th</sup> day following the sale, transfer, mortgaging or other conveyance, or following the date upon which the structure ceases to be the Borrower's principal residence, or after written notice from the Lender that the Borrower is in default of any superior lien then existing against the property.

In hardship cases where the sale of the property prior to the expiration of the affordability period is determined by the Lender and documented to be involuntary (a sale due to foreclosure, loss of income, job transfer or similar circumstances), and where repayment of the full amount of down payment assistance due to be repaid exceeds the net proceeds available from the sale, the lender will consider requests for partial forgiveness or subordination of its Down Payment Assistance liens to accommodate short sales on a case by case basis.

The following conditions must be met for consideration of partial forgiveness to accommodate a short sale:

1. Request for forgiveness must be proportionate to the first lender's forgiveness.
2. Purchaser must be an owner occupant.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Requests for continued subordination for short sale purchases must meet the following conditions:

1. Purchaser must be an owner occupant.
2. Purchaser must meet current household income eligibility limits.
3. Unit must be in compliance with City housing code and zoning requirements.

Requests for forgiveness must be submitted **in writing** to the Development Office at 316 N. Capitol, Lansing MI 48933

Requests must include the following:

1. Copy of a fully executed purchase agreement which discloses the property address, purchase price, name of buyer and name of seller.
2. Current appraisal of the subject property.
3. Disclosure of the purchaser's intended use of the property and financing plan.
4. Financing commitment including the mortgage amount, term and interest rate.

Requests for continued subordination must also include:

1. Disclosure of the purchaser's annual household income from all sources.
2. Verification of purchaser's assets.

The Development Manager shall make all final determinations on requests subject to these and other factors considered relevant.

Otherwise, 100% of this loan shall be forgiven after ten (10) years from the execution date of the note.

- iii. Calculation of Assistance – The City shall contribute an amount not to exceed \$40,000. The total amount of assistance is subject to the Program requirement that the Homebuyer contribute a minimum of \$500 for the purchase of the property, and that the homebuyer is securing the maximum mortgage **amount that is affordable per the debt to income ratios and consumer and recurring monthly debt parameters described herein**. Program funds are based on need.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

The loan will be secured by a zero-interest mortgage and promissory note between the Homebuyer and the City.

- iv. Discharge of Program Mortgage – Upon completion of the ten-year period following the date of Program assistance, provided the Borrower has resided in the property for the full ten-year period, the loan will be forgiven. The loan becomes due and payable in full when the Homebuyer ceases to reside at the property as their permanent place of residence.

**e. Eligible Costs / Pre-paid Expenses**

Program assistance for eligible costs is based on need and not to exceed \$40,000. The City reserves the right to determine the eligibility of all closing costs and pre-paid items (MSHDA Closing Cost Fee Chart) and to request lender documentation of normal and reasonable costs. Following is a list of items for which assistance can be provided if all Program requirements are met:

- i. Closing Costs – The Program will assist in the payment of normal and reasonable closing costs (MSHDA Closing Cost Fee Chart for eligibility) to process and settle the financing of the property for which the Homebuyer is responsible, provided the costs are not financed. Following is a list of eligible closing costs:

Description of Cost	Eligibility	Explanation
Application Fee	Actual Cost	Typically covers appraisal charged to lender/broker
AUS Fee	Actual Cost	3 <sup>rd</sup> party AUS system
Closing Fee	Actual Cost	
Commission	Not Allowed	Real Estate Commission
Commitment Fee to Non-Profit	Actual Cost	Any commitment fee, application fee, or processing fee charged by a non-profit agency or government entity is allowed to be charged to the buyer; Includes MCC fee



## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

Courier Fees	Actual Cost	
Credit Report Fees	Actual Cost	
Documentation Preparation	Actual Cost	Maximum \$75.00
Document Stamp on Deed	Actual Cost	
Express Mail/Special Delivery	Actual Cost	
Flood Certification	Actual Cost	
Home Inspection Fee	Actual Cost	Maximum \$400
Lock-in Fee (Commitment Fee)	Not Allowed	
Notary Fee	Actual Cost	
Origination Fee	Allowed	Up to 1% of base mortgage amount. If HUD Line 108 exceeds 1%, additional Origination charges MUST be itemized
Pest Inspection	Actual Cost	
Printing/E-mail fee	Actual Cost	Maximum \$50 (i.e. title company charging customer to print closing documents from a secured E-doc web-link)
Processing Fee-Lender/Broker	Allowed	Maximum \$300
Processing/Admin Fee-Real Estate	Allowed	Maximum \$300; when charged by real estate company & shown on sales contract
Recording Fee	Allowed	(Recording fees for Assignments cannot be charged on VA loans)
Re-key Fee	Allowed	Maximum \$200
Servicing fee	Not Allowed	
Survey	Actual Cost	
Tax Service Fee	Allowed	Maximum \$100
Title Policy/Lender	Actual Cost	
Title Policy/Owner	Actual Cost	Paid by Seller

**HOME Program Policy and Procedures Guidelines for City of Lansing  
Development Office**

---

Transfer Tax	Actual Cost	Paid by Seller
Underwriting Fee	Allowed	Maximum of \$350
Verifications/Condo Questionnaire	Actual Cost	
Wire Fee	Actual Cost	

- ii. Pre-Paid Expenses – The Program may assist in the payment of normal and reasonable pre-paid and escrow expenses to process and settle the financing of the home for which the Homebuyer is responsible, as listed below:
  - First year of hazard insurance premium
  - Two months of mortgage insurance premium
  - Assessed City property taxes per the loan estimate

**Interest and aggregate adjustment amounts are not eligible.**
- iii. Down Payment – Funds **can** be used to reduce the principal borrowed by the Homebuyer from the Lender.
- iv. Personal Property – Program subsidies **cannot** be used to finance the acquisition of furnishings, appliances or other personal property unless those items are considered fixtures under Michigan law.
- v. Repairs – Program funds **cannot** be used to pay for any required repairs to the property.

**f. Appeals**

Applicants may appeal any administrative interpretation of this policy, or may request a relief variance from the strict application of a provision of this policy. Appeals shall be directed to the City of Lansing Development Manager. Such appeals may be granted at the discretion of the Development Manager, provided the action is consistent with the intent of the program and does not violate applicable federal, state, or local regulations.

**17. INSTRUCTIONS FOR OBTAINING A COMMITMENT OF FUNDS**

Once the City has approved an application and certified Program funds are available, the Lender and Homebuyer must provide additional documentation as listed below prior to the City’s issuance of a Verification of Commitment of Funds letter to the Lender. A Commitment of Funds expires sixty (60) days after issuance.

**A. Documentation**

Items needed to document Commitment of Funds are listed below. Each document must be completed and signed as appropriate and must be dated within 90 days of the date submitted to the City. The Lender must review the information submitted to determine completeness in accordance with the guidelines of this manual. Reasonable efforts should be taken to verify the information given, either independently or concurrently with underwriting procedures.

Additional Documentation Needed for Commitment of Funds:

- 1. Copy of addendums to Purchase Agreement, if applicable
- 2. Copy of Property Appraisal
- 3. Copy of Title Commitment, Schedule A only

**B. Extensions**

Extensions of Program Commitment of Funds may be requested by the Lender prior to the expiration date. A thirty (30) day extension may then be granted. Additional extensions may be granted if and when the City determines extenuating circumstances exist.

**C. Cancellations**

The Lender should notify the City in writing of any commitments which must be cancelled.

# HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

## **D. Changes in Homebuyer's Income, Marital Status, or Property Cost Prior to Closing**

The determination of Program income eligibility is based upon the Homebuyer's income as of the date the Commitment is issued. The Homebuyer is required, however, to meet federal income limits at the time of closing. Changes occurring in the Homebuyer's gross annual household income after the Program Commitment of Funds is issued shall immediately be reported to the Development Office.

If the Homebuyer marries subsequent to issuance of the Commitment of Funds but prior to closing, the new spouse must satisfy Program requirements as outlined in the Administrative Guidelines section of this manual.

If the total acquisition cost of the property to be purchased increases, so as to exceed the acquisition cost limitations set forth herein, the Commitment of Funds shall be revoked.

The Commitment of Funds is issued in reliance upon the certifications made by the Homebuyer and Seller that Program requirements have been met. The Lender must immediately notify the City in writing of any change occurring in circumstances upon which the Commitment of funds was based, such that the Program subsidy to be issued would no longer meet the requirements of a qualified Program subsidy. If any such changes occur, the Commitment of Funds shall be revoked.

The Commitment of Funds is issued based on requirements imposed by federal laws, regulations, and rules as they exist at the time the Commitment is issued. If any law, regulation or rule shall change after issuance of the Commitment of Funds, the Commitment may, at the sole discretion of the City be revoked.

## **E. Prior to Closing**

Prior to closing, the mortgage company needs to supply the following to the City:

- Copy of Appraisal

## HOME Program Policy and Procedures Guidelines for City of Lansing Development Office

---

- Name, phone number, and location of title company conducting closing.
- Proof buyer is contributing at least \$500 towards the purchase.
- Any additional addendums to the Purchase Agreement.
- Copy of final ALTA
- Final Closing Statement

### **F. After Closing**

After closing the mortgage, the title company is to provide the City with the following documentation:

- Final ALTA, with original signatures
- Copy of signed loan application (1003)
- Copy of deed
- Copy of signed Program Mortgage
- Original Program Promissory Note
- Copy of buyer's certificate of insurance listing City as additional mortgagee.

After closing the mortgage loan, if the Lender becomes aware of any information which affects the Homebuyer's continued eligibility for a Program subsidy, it should notify the City.