
CHDO Programs

Virginia Department of Housing and Community Development

CHDO Certification



Program Guide & Application Manual
Fiscal Year 2009-2010



VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT
Partners for Better Communities
www.dhcd.virginia.gov

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ATTACHMENTS

- CHDO Certification Application
- Request for Change of Service Area



WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?

A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization whose **primary** purpose is to provide and develop decent, affordable housing for the community it serves. Certified CHDOs receive certification from a Participating Jurisdiction (PJ) indicating that they meet certain HOME Program requirements and therefore are eligible for HOME funding.

The Home Investment Partnerships (HOME) program was authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. HOME provides formula grants to states and localities that communities use – often in partnership with local nonprofit groups – to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people. HOME funds are regulated and distributed to PJs by the U.S. Department of Housing and Development (HUD).

A PJ is a term given to any State or local government that HUD has designated to administer a HOME Program. HUD designation as a PJ occurs if a State or local government meets the funding thresholds, notifies HUD that it intends to participate in the program, and obtains approval by HUD of a Consolidated Plan. Consolidated Plans describe community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including HOME.

The HOME Program definition of a CHDO is found at 24 CFR Part 92.2. A copy of the HOME regulation (24 CFR Part 92) can be found at the U.S. Department of Housing and Urban Development website: www.hud.gov. Information may also be found of the Virginia Department of Housing and Community Development website at www.dhcd.virginia.gov.

WHY SHOULD AN ORGANIZATION APPLY FOR CHDO CERTIFICATION?

Funds are available through HOME PJs exclusively for qualified, eligible CHDO projects and operating expenses. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as additional special technical assistance. CHDO set-aside funds provide equity for community-based organizations to undertake projects, build their capacity to serve a broad range of affordable housing needs and provide guaranteed resources for affordable housing development. PJs are required to set-aside a minimum of 15% of their HOME allocations for housing development activities in which qualified CHDOs are the owners, developers, and/or sponsors of affordable housing in the communities that they serve.



WHERE TO APPLY FOR CHDO CERTIFICATION

In order to be certified as a CHDO, the applicant must delineate the geographic area in which they plan to develop a HOME eligible project. Each PJ has a specific geographic area for which they have CHDO Certification responsibility. The Virginia Department of Housing and Community Development is the PJ for non-metropolitan, non-entitlement areas.

Contiguous units of local government may form a consortium for the purpose of qualifying for a direct allocation of HOME funds. The funds are then administered by local governments and consortia for eligible HOME uses. Applicants who have delineated areas within a HOME Consortium which are not also CDBG Entitlements must meet the following guidelines for state certification:

- Current CHDO Certification by local PJ;
- Acknowledgement letter from local PJ which outlines reservations and commitments of HOME funds for the last three federal fiscal years to the CHDO as well as acknowledgement that HOME monitoring must be coordinated if CHDO funds are received from the state. The letter must be signed by the HOME Coordinator and include contact information.

Localities that participate in a HOME Consortium, but are not CDBG entitlements are:

Isle of Wight County	Southampton County
Franklin County	Albemarle County
Nelson County	Fluvanna County
Louisa County	Greene County

Geographic areas in localities that are both HOME PJs and CDBG Entitlement areas are not eligible for state CHDO Certification or state CHDO funds. If your organization is seeking CHDO Certification or CHDO funding in these areas, please contact that locality's housing department. A list of localities that are both HOME PJs and CDBG Entitlements are listed below:

City of Alexandria	Arlington County
City of Charlottesville	Chesterfield County
City of Chesapeake	City of Danville
Fairfax County	City of Hampton
Henrico County	City of Lynchburg
City of Newport News	City of Norfolk
City of Portsmouth	Prince William County
City of Richmond	City of Roanoke



Organizations that are located in entitlement areas but are seeking to develop affordable housing projects in non-entitlement areas must first seek approval from the local government of the non-entitlement area before DHCD can review the application to assist with that particular project. **In addition, please submit a written detailed explanation about the project that you are interested in developing to our office for review. Our office will later contact you to discuss the project further.**

Applications for state CHDO Certification should be sent to:

Kevin Hobbs, Program Administrator
Virginia Department of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, Virginia 23219

(804) 371-7120
kevin.hobbs@dhcd.virginia.gov

REQUIREMENTS FOR CHDO CERTIFICATION

ORGANIZATIONAL STATUS AND MISSION REQUIREMENTS FOR CHDO CERTIFICATION

Regulatory Thresholds:

1. **Organized Under State/Local Law.** Organizations must show evidence to the PJ, either in their charter or articles of incorporation, that it is organized under state or local law.
2. **Non-Profit Status.** A tax exemption ruling from the Internal Revenue Service as evidenced by a 501(c)(3) or (4) Certificate from the IRS or a group exemption letter under Section 905 from the IRS that includes the CHDO is required.
3. **Purpose of Organization.** The organization's primary purpose must be the provision of decent housing that is affordable to low-and moderate income people. This must be evidenced by a statement in the organization's charter, articles of incorporation, by-laws, or resolutions.

Additional Considerations:

4. **Strategic Plan.** CHDOs and CHDO aspirants are required to submit a comprehensive strategic plan to DHCD. In order to be a comprehensive plan, the document submitted should address the following:



- The mission, goals, and vision of the organization
- Whom you will serve
- The organization's role in the community
- The programs, services, and products you offer
- The resources needed to succeed
- The best way to combine resources, programming and relationships to accomplish the organization's mission

BOARD COMPOSITION REQUIREMENTS FOR CHDO CERTIFICATION

Regulatory Thresholds:

There are three specific requirements related to the organization's board which must be evidenced in the organization's by-laws, charter, or articles of incorporation. These are:

1. Low Income Representation. At least 1/3 of the organization's board must be representatives of a low-income community served by the CHDO. The CHDO is required to certify the status of low-income representatives. There are three methods to meet the HOME requirement that stipulates 1/3 of the organization's board be representatives of a low-income community served by the CHDO. If a potential board member fits one of the following descriptions, then they count towards fulfilling this requirement:

- The person lives in a low-income neighborhood where 51% or more of the residents are low-income. This resident does not have to be low-income.

In order to qualify under this criterion, the board member must live in a low-income neighborhood where 51% or more of the residents are low-income. The board member does not have to be low-income. **Neighborhood** means a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government; except that if the unit of general local government has a population under 25,000, the neighborhood may, but need not, encompass the entire area of a unit of general local government.

- The person is a low-income resident of the community.

In order to qualify under this criteria, the board member must be a low-income resident of a community that the CHDO is certified to serve. **Low-income** is defined as 80% or less of area median family income.

- The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might



include block groups, neighborhood associations, and neighborhood watch groups.

In order to qualify under this criterion, the board member must be elected by a low-income neighborhood organization to serve on the CHDO Board. The group must be a neighborhood organization and it may not be the CHDO itself. If the board member is qualifying under this criterion, a copy of signed resolution from the neighborhood organization naming the individual as their representative on the CHDO is required.

- 2. Public Sector Limitations.** No more than 1/3 of the organization's board may be representatives of the public sector, including any employees of the PJ. States or local governments who charter CHDOs may not appoint more than 1/3 of the board, and the board members appointed by the state or local government may not appoint the remaining 2/3 of the board members. If a person qualifies as a low-income person and a public official, their role as a public sector representative supersedes their residency or income status. Therefore, the official counts toward the 1/3 public sector limitation.
- 3. For Profit Limitations.** If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than 1/3 of the board. The board members appointed by the for-profit may not appoint the remaining 2/3 of the board members.

Additional Considerations:

- 4. Board Representation.** The Board should have at least one representative for each geographic area to be served by the CHDO.
- 5. Stability.** There should be stability/continuity of board members over the last several years.
- 6. Development Oversight.** The Board should have a committee structure or other means of overseeing planning and development.
- 7. Board Skills.** The Board members should have professional skills directly relevant to housing development. For example, real estate, legal, architectural, planning, construction, finance and management experience are all professional skills that are relevant to housing development.
- 8. Decision-Making.** The Board should demonstrate the ability to make timely decisions using an appropriate process.

SPONSORSHIP/INDEPENDENCE REQUIREMENTS FOR CHDO CERTIFICATION



Regulatory Thresholds:

1. **Control.** The CHDO is not controlled, nor receives directions from individuals or entities seeking profit from the organization, as evidenced by the organization's By-laws or a Memorandum of Understanding.
2. **Creation or Sponsorship by a For-Profit Entity.** If sponsored or created by a for-profit entity, the for-profit entity's primary purpose does not include the development of management of housing, as evidenced in the for-profit organization's by-laws.
3. **Freedom to Contract for Goods and Services.** If sponsored or created by a for-profit entity, the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced by its By-laws, Charter, or Articles of Incorporation.
4. **Sponsorship by a Religious Organization.** If sponsored by a religious organization, the CHDO is a separate secular entity from the religious organization, with membership available to all persons, regardless of religion or membership criteria, as evidenced by its By-laws, Charter, or Articles of Incorporation.

RELATIONSHIP/SERVICE TO THE COMMUNITY REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

Regulatory Requirements:

1. **History of Serving the Community.** The organization has a history of serving the community within which housing to be assisted with HOME funds is to be located, as evidenced by either documentation of at least one year of experience in serving the community or for new organizations, documentation that its parent organization has at least one year of experience in serving the community.
2. **Low Income Input.** Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing and may be documented in the organization's by-laws, resolutions, or a written statement of operating procedures approved by the governing body. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from

project concept and site selection to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from potential low-income program beneficiaries in all aspects of the project will be required for project funding.

3. **Clearly Defined Service Area.** The organization must have a clearly defined geographic service area which can be described and documented for the PJ. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.

Additional Considerations:

4. **Needs.** Current plans should be well grounded in an understanding of current housing conditions, housing needs, and need for supportive services. The organization should have an analysis of the local housing market and the housing needs of low-income households.
5. **Relations.** The organization should have a good reputation and a positive relationship with the community that it serves.
6. **Local Government Relations.** The CHDO should have a positive relationship with the local government(s) of the community(s) that it serves.

FINANCIAL MANAGEMENT AND CAPACITY REQUIREMENTS FOR CHDO CERTIFICATION

Regulatory Requirements:

1. **Conformance to Accountability Standards.** The organization must conform to the financial accountability standards of 24 CFR 84.21, "Standards for Financial Management Systems", as evidenced by a notarized statement by the board president or Chief Financial Officer (CFO), or a certification from a Certified Public Accountant (CPA), or a HUD approved audit summary.
2. **No Individual Benefit.** No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Charter or Articles of Incorporation.

Additional Considerations:

3. **Audit.** Audit information, if available, will be reviewed.
4. **Budgeting.** The organization should conduct annual budgeting of its operations and all activities and programs. It should track and report budget versus actual

income and expenses.

5. **Reporting.** Financial reporting should be regular, current and sufficient for the board to forecast and monitor the financial status of the corporation.
6. **Cash Flow Management.** The organization should know its current cash position and maintain controls over expenditures.
7. **Internal Controls.** The organization should have adequate internal controls to ensure separation of duties and safeguarding of corporate assets. There should be sufficient oversight of all financial activities.
8. **Procurement/Conflict of Interest.** The organization should have a conflict of interest policy governing board members, employees, and development activities, particularly in procurement of contract services and the award of housing units for occupancy.
9. **Insurance.** The organization should maintain adequate insurance, including liability, fidelity, bond, workers compensation, property hazard and project.
10. **Financial Stability.** The current balance sheet and budget should indicate a sufficient, diversified and stable funding base to support essential operations.
11. **Portfolio Financial Condition.** If the organization has a portfolio of properties, they should be in stable physical and financial condition.
12. **Liquidity.** Whether the organization has liquid assets available to cover current expenses shall be considered, as well as the whether the organization has funds available for predevelopment expenses or equity investments required for development.

DEVELOPMENT CAPACITY REQUIREMENTS FOR CHDO CERTIFICATION

Regulatory Requirements:

1. **Capacity to Carry Out Activities.** The organization must have a demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by either experience of key staff that have completed similar projects to HOME-funded activities or the organization should have contracts with consultants who have relevant housing experience to train key staff.

Additional Considerations:

2. **Assessment.** DHCD wishes to assure that all organizations that are eligible to apply for and /or receive funding under its CHDO program are capable of providing services in an effective and efficient manner. To achieve this goal, the organization must complete an organizational assessment with the Office of Community Capacity Building (OCCB), a division within DHCD. The assessment will

determine organizational development needs (i.e. strategic planning, visioning, administrative systems, board development, etc.) This assessment must be completed before a CHDO application will be approved.

3. **Portfolio.** The organization's portfolio of projects and properties should evidence competent management and oversight.
4. **Previous Performance.** The organization should have exhibited competence with any previous CHDO activities.
5. **Management Capacity.** The organization's management should have the capacity and ability to manage additional development activities.
6. **Procedures.** There should be policies and procedures in place to govern development activities.
7. **Project management.** The organization should have procedures for monitoring the progress of a project and the capacity to monitor project-level cash flow and schedules.
8. **Personnel.** There should be staff that is assigned responsibilities for housing development and personnel policies and job descriptions should be clear.
9. **Staff skills.** The strength of staff in the following areas shall be considered:
 - Legal/financial aspects of housing development
 - Management of real estate development
 - Oversight of design & construction management
 - Marketing, intake
 - Property management (if applicable)
10. **Training.** Staff should be encouraged to obtain training and develop new skills.
11. **Member involvement.** The organization's membership should be active and in support of the organization's housing activities.
12. **Use of consultants.** To what extent the CHDO has access to and makes use of qualified development consultants shall be considered, as well as how these consultants interact with staff.
13. **Funding access.** The organization should have the ability to raise funds for the capital requirements of a project.

CHDO FUNDING

CHDOs may obtain funding from a PJ in several different ways. CHDOs may:

- Serve as owners, developers, and sponsors of projects undertaken with funds from a PJ's required 15 percent set-aside for CHDOs.
- Receive special assistance, such as developing funds, technical assistance or operating funds, from a PJ that is not available to other types of organizations.
- Perform certain services as contractors to PJs.
- Contract with PJs in the same ways as other nonprofit subrecipients.

CHDO SET-ASIDE

The HOME requirements at 24 CFR Part 92.300 requires PJs to set-aside at least 15 percent of their HOME allocation for projects sponsored, owned, or developed by CHDOs. PJs may allocate more funds for CHDOs, but 15 percent is the minimum amount. CHDOs may also be a subrecipient under a PJ's HOME program; however, the funds committed will not count towards the 15% set-aside requirement. The Virginia Department of Housing and Community Development uses at least 15% of its CHDO set-aside funds in its Affordable Housing Production and Preservation Program.

PJs have 24 months after HUD signs the letter for the PJ's HOME agreement to identify and designate the CHDOs they plan to work with and reserve monies for their use. If the required funds are not reserved for CHDO use within this time period, they will be recaptured (returned to HUD).

Funds may be reserved for CHDOs before specific projects are identified. However, for funds to be reserved, a written agreement must be executed between the CHDO and the PJ. The agreement must detail how the monies will be used. The agreement may be project specific or a more general description of planned activities and meet the HOME requirement for written agreements found at 24 CFR 92.504 (c)(3).

A certified CHDO must serve as the developer, sponsor, or owner of a HOME-eligible project when using funds from the 15 percent CHDO set-aside. A CHDO may serve in one of these roles for several projects or it may undertake projects in which it combines roles, such as being both an owner and developer.

CHDO AS DEVELOPER

A CHDO is considered a developer when it either owns the property and develops the project or has the contractual obligation to a property owner to develop a project

If the CHDO owns the property, it must obtain financing and rehabilitate or construct the project. For HOME-assisted rental housing the CHDO may maintain ownership and manage the project over the long term, or it may transfer the project to another entity for long-term ownership and management. For HOME-assisted homebuyer projects, the



CHDO must transfers title of the property and the HOME obligations to an eligible homebuyer within a specified time frame of project completion.

If the CHDO does not own the property, it must be under a contractual obligation with the owner to obtain financing and rehabilitate or construct the project. Under this arrangement, the CHDO assumes all risks and rewards associated with being the project developer. A written agreement between the CHDO and the property owner must detail the CHDO's specific obligations. For HOME-assisted rental housing, the CHDO may manage the project for the owner at project completion. For homebuyer housing, the owner must transfer title of the property and the HOME obligations to eligible homebuyers within a specified timeframe of project completion

If the CHDO develops the property for an owner pursuant to a written or other agreement with the PJ, the CHDO is acting in the capacity of a subrecipient. CHDOs receiving funds as subrecipients cannot use the funds from the 15 percent set-aside for that particular project or service.

CHDO AS A SPONSOR

A CHDO may be a sponsor for both HOME-assisted rental housing and homebuyer housing. A CHDO sponsor must always own the project prior to and/or during the development phase of the project.

For HOME-assisted rental housing - The CHDO is considered a sponsor when it develops a project that it solely or partially owns and agrees to convey ownership to a second nonprofit organization at a predetermined time. The conveyance may occur prior to or during development or upon completion of the development of the project. In this situation, the following requirements apply:

- HOME funds must be invested in the project owned by the CHDO sponsor. The CHDO sponsor must identify the particular nonprofit organization that will obtain ownership of the property prior to commitment of HOME funds. The second nonprofit must assume all HOME obligations (including repayment of loans and tenant and rent requirements) for the project from the CHDO at a specified time. If the property is not transferred to the nonprofit organization, the CHDO sponsor will remain liable for the HOME obligations.
- The nonprofit organization must be financially and legally separate from the CHDO sponsor. (The second nonprofit may have been created by the CHDO; nevertheless it is a separate entity from the CHDO.) The CHDO must provide sufficient resources to the nonprofit organization to ensure the completion of the development and long-term operation of the project.

For HOME-assisted homebuyer projects - The CHDO is considered a sponsor when it owns a property and then shifts responsibility for the project to another nonprofit at a specified time in the development process. The second nonprofit, in turn, transfers title, along with the HOME obligations and resale/recapture requirements, to a HOME-qualified homebuyer within a specified time frame. In this situation, the following requirements apply:

- The HOME funds must be invested in the property owned by the CHDO.
- The other nonprofit being sponsored by the CHDO must acquire the completed units or complete the rehabilitation or construction of the property.

Upon completion of the rehabilitation or construction, the sponsored nonprofit is required to sell (transfer) the property, along with the HOME loan/grant obligations, to a qualified homebuyer.

This sponsorship role could include a lease-purchase approach, whereby the sponsor would lease the property to a homebuyer for a period not to exceed two years. At the expiration of the lease, the sponsor must sell or transfer the property, along with the HOME loan/grant obligations, to the homebuyer. If the property is not transferred, the sponsored nonprofit retains ownership and all HOME rental requirements will apply.

CHDOs AS DEVELOPER OR SPONSOR

The CHDO developer and sponsor roles are similar in many ways. In both roles, the CHDO carries out the principal project development activities, such as acquisition, financing, construction management, and assembling a capable development team to bring a project from conception to completion. However, as developer, the CHDO need not own the property. As sponsor, the CHDO must own the property and shift the responsibility to another nonprofit at a specified time in the development process. This transfer could occur, for example, at the:

- Initiation of the construction,
- Completion of the construction, or
- Issuance of the certificate of occupancy.

CHDO AS AN OWNER

A CHDO is considered an owner of a property when it holds valid legal title or has a long-term leasehold interest (99-year minimum). The CHDO may be an owner with one or more individuals, corporations, partnerships, or other legal entities.

While a CHDO may be sole owner and have another entity act as developer, it can also be the owner and developer of its own project. The CHDO may own a property in partnership with either a majority or minority interest. However, the CHDO, in partnership with a wholly owned for profit or nonprofit subsidiary, must be the managing general partner with effective control (in decision making authority) of the project.

CHDO AS A SUBRECIPIENT

CHDOs may play the role of a "subrecipient," which undertakes all other HOME-eligible activities. Activities performed as a subrecipient cannot be undertaken with, nor do they

count toward, the 15 percent CHDO set-aside. Being a HOME subrecipient is not the same as being a subrecipient in the Community Development Block Grant Program. A HOME subrecipient is an entity selected by the PJ to administer:

- aspects of a HOME Program (i.e., screen projects, market activities, review and certify tenant income, counsel potential homebuyers), or
- an entire HOME activity (i.e., manage a tenant based rental assistance program or review requests for HOME funds for the rental housing production set-aside).

When a CHDO is acting in the capacity of a HOME subrecipient, it may not also receive HOME funds to develop, sponsor, or own housing funded through the subrecipient activity it is administering. Doing so constitutes a conflict of interest for the CHDO. For example, if a CHDO is distributing funds for a rental program for a PJ (as a subrecipient), the CHDO may not grant itself money for rental projects it is developing.

SPECIAL ASSISTANCE AVAILABLE TO CHDOs

Certified CHDOs are eligible to receive special assistance funds. In contrast to the 15 percent set-aside mandated by the HOME Program, PJs have total discretion about whether to provide these special forms of assistance to CHDOs. They are available in the following forms:

OPERATING EXPENSES IN CONJUNCTION WITH PRODUCING UNITS

Funds are available to provide general operating assistance to CHDOs receiving or which are eligible to receive CHDO set-aside funds for activities. Certified CHDOs may receive funds from PJs to be used for operating expenses. PJs have the option of allocating up to 5 percent of their HOME allocations to provide funds for CHDO operating expenses. This allocation does not count toward the required 15 percent CHDO set-aside funds that are to be used by CHDOs for projects.

Eligible operating expenses for which CHDOs may use the funds allocated by PJs include:

- Salaries, wages, benefits, and other employee compensation;
- Employee education, training and travel;
- Rent and utilities;
- Communication costs;
- Taxes and insurance; and
- Equipment, materials and supplies.

State certified CHDOs are eligible to receive operating funding to assist in building capacity with the understanding that units of housing must be produced. For additional

information on CHDO Operating Assistance, please contact:

Johnette Mallory-Pullen, Program Administrator
Virginia Department of Housing and Community Development
501 North Second Street
Richmond, VA 23219

(804) 371-7117
jmallory-pullen@dhcd.virginia.gov

PROJECT PROCEEDS

CHDOs may be authorized to retain some or all of the proceeds generated from an activity. At the discretion of the PJ, a CHDO may retain some or all of the proceeds from a CHDO development activity. The PJ must stipulate in its written agreement with the CHDO whether the CHDO may retain project proceeds or return them to the PJ.

CHDO project proceeds are funds resulting from:

- Permanent financing of a CHDO project that is used to pay off a CHDO-financed construction loan.
- Sale of CHDO-sponsored rental housing to a second non-profit.
- Sale of CHDO-developed homeownership housing.
- The principal and interest payments from a loan to a buyer of CHDO-developed homeownership housing.

If authorization is given by a PJ for a CHDO to retain project proceeds, then proceeds must still be used for HOME-eligible activities or other low-income housing activities. A PJ determines how the proceeds can be used in the written agreement with the CHDO. A PJ may establish more stringent requirements, than those required by the HOME Final Rule on the use of CHDO proceeds. A PJ may have a flexible policy on the use of proceeds that differs from CHDO to CHDO, or even from project to project. CHDO project proceeds are not considered HOME program income and are not subject to program income requirements. However, CHDO project proceeds that are returned to the PJ are considered program income and are subject to HOME program income requirements.

If a CHDO is acting as a subrecipient, the funds generated from HOME-assisted activities are program income and are subject to HOME program income requirements. HOME funds recaptured because housing no longer meets affordability requirements are not considered proceeds and are subject to the requirements on program income. Once CHDO project proceeds are used by the CHDO for eligible activities, there are no further HOME requirements. Funds generated from the use of CHDO proceeds are not considered CHDO proceeds. The exception to this rule is if the PJ requires that these funds continue to be used for eligible activities. (PJs may impose more stringent requirements than the HOME regulations.)



ELIGIBLE & INELIGIBLE USES OF HOME FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the 15% set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing; acquisition and/or rehabilitation of homebuyer property;
- New construction of homebuyer property; and
- Direct financial assistance to purchasers of HOME-assisted housing sponsored or developed by a CHDO with HOME funds.

INELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the 15% set-aside, a CHDO acting as an owner, sponsor, or developer may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties; and
- Tenant-based rental assistance.

ELIGIBLE ACTIVITIES - SUBRECIPIENTS

CHDOs may also act as subrecipients with non-set-aside funds by undertaking all other HOME-eligible activities such as:

- TBRA (The Virginia Department of Housing and Community Development does not offer Tenant Based Rental Assistance Programs);
- Homeowner rehabilitation (The Virginia Department of Housing and Community Development uses its HOME homeowner rehabilitation funds in the Indoor Plumbing/Rehab Program);
- Providing down payment or closing cost assistance, and
- Brokering or other real estate transactions that do not count toward the set-aside.

EFFECTIVE PERIOD OF CHDO CERTIFICATION

In order to maintain a current state CHDO Certification, the CHDO must submit by June 30th of each year a Recertification Report to the CHDO Certification Program Administrator. If the CHDO fails to submit this report, the CHDO will be de-certified and may be required to submit a complete CHDO Certification application to regain CHDO status.



In addition, if a state Certified CHDO does not have at least 90% commitment of funds for a CHDO eligible project within three years of certification, the CHDO may be de-certified and may be required to submit a complete CHDO Certification application to regain CHDO status. CHDOs are expected to continue to produce projects to maintain their CHDO status. If after the initial three-year period the CHDO does not annually report activity on new CHDO eligible projects, it may be decertified. Prior to awarding any state CHDO funds, the status of the CHDO Certification will be verified.

THE CONSOLIDATED PLAN

Activities conducted by CHDOs must be consistent with the state's Consolidated Plan. The Consolidated Plan can be viewed on the DHCD website at www.dhcd.virginia.gov. The Consolidated Plan identifies housing and community development needs in the state's jurisdiction and provides a long-term strategy for addressing those needs. The Consolidated Plan indicates the level of resources which are allocated to each program. Each year the state must develop an Action Plan which spells out which activities it will carry out and how much money will be spent in each area. The Consolidated Planning process is an opportunity for CHDOs to provide input to the state on how its funds are allocated. **CHDOs certified by the state are required to participate in at least one of its annual public hearings or comment periods each year.**

HOW TO APPLY FOR CHDO CERTIFICATION

1. Complete the CHDO Certification Application, including all requested documentation and forms.
2. Submit 1 original and 2 copies of the entire application. The application should be bound with a binder clip. Do not submit 3-ring binders or other forms of binding.
3. The application may be mailed or hand delivered to the address below. Fax and e-mail copies are not acceptable:

Kevin Hobbs, Program Administrator
Virginia Department of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, Virginia 23219

4. The applicant has 30 days to respond to any request for additional information. If information is not received within 30 days the CHDO Certification application will be denied.

HOW TO APPLY FOR CHANGE IN GEOGRAPHIC SERVICE AREA

1. Complete the CHDO Certification Request to Change Service Area form, including all requested attachments:
 - a. Statement of history serving the community



- b. Certification of Board Status (updated)
 - c. Certification of Low Income Representation (new/changes only)
2. Submit 1 original and 2 copies. The application should be bound with a binder clip. Do not submit 3-ring binders or other forms of binding.
 3. The application may be mailed or hand delivered to the address below. Handwritten, faxed and e-mail copies are not acceptable:

Kevin Hobbs, Program Administrator
Virginia Department of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, VA 23219

CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

Organization Name	Tax ID Number
Mailing Address	Contact Name / Title
Contact's Email Address	Contact's Day Phone Number
Board President Name	Board President's Email Address
Board President's Day Phone Number	Organization's Fax Number

PLEASE DESCRIBE THE CHDO-ELIGIBLE ACTIVITIES YOUR ORGANIZATION PLANS TO UNDERTAKE AS A CHDO

LIST EACH GEOGRAPHIC AREA TO BE CONSIDERED FOR CHDO CERTIFICATION

Locality	Locality
1.	4.
2.	5.
3.	6.

I certify that the submission of this application has been approved by a 2/3 vote of the Board of Directors.

Board President Signature	Date
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CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

Please complete the applicant portion of this checklist. Include the requested information in the Attachments indicated and check-off the item in the checklist. Articles of Incorporation, By-Laws, Charters, Memorandums of Understanding, Contracts, Certifications and Resolutions must be signed and dated by the Board President or other authorized signor. Incomplete applications will not be considered.

1. ORGANIZATIONAL STATUS & MISSION	VDHCD Use Only	
	Adequate	Deficiency
Regulatory Requirements:		
The nonprofit is organized under State or local laws, as evidenced by Attachment A: <input type="checkbox"/> A Charter, OR <input type="checkbox"/> Articles of Incorporation.		
The nonprofit has a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) , as evidenced by Attachment B: <input type="checkbox"/> A 501(c)(3) or (4) Certificate from the IRS, OR <input type="checkbox"/> A group exemption letter under Section 905 from the IRS that includes the CHDO.		
The nonprofit's primary purpose is the provision of low- and moderate income housing. As Attachment C , provide and highlight the appropriate area in your: <input type="checkbox"/> Charter, <input type="checkbox"/> Articles of Incorporation, <input type="checkbox"/> By-laws, OR <input type="checkbox"/> Resolutions.		
Additional Considerations:		
Strategic Plan: The organization has produced a strategic plan that specifies an action plan for housing development, as provided in Attachment D .		
2. BOARD COMPOSITION	VDHCD Use Only	
Regulatory Thresholds:	Adequate	Deficiency



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

<p>At least 1/3 of board membership consists of residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations, as evidenced by:</p> <p>_____ Completion of the Certification of Low Income Representation</p> <p style="text-align: center;">AND</p> <p>As Attachment E, highlight the relevant text in one of the following:</p> <p>_____ By-Laws, _____ Charter, OR _____ Articles of Incorporation</p>		
<p>A CHDO may be chartered by a State or local government, however, the State or local government may not appoint: (1) more than one-third of the membership of the organization's governing body; (2) the board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and (3) no more than one-third of the governing board members may be public officials. As Attachment F highlight the relevant text in one of the following which describes the process for selecting the remaining 2/3 members:</p> <p>_____ By-laws, _____ Charter, OR _____ Articles of Incorporation</p>		
<p>No more than one-third of the governing board members may be public officials (including any employees of the PJ) or appointed by public officials, and government-appointed board members may not, in turn, appoint any of the remaining the board members. Provide as Attachment G and highlight relevant areas in your organization's:</p> <p>_____ By-laws, _____ Charter, OR _____ Articles of Incorporation</p>		



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

<p>If the CHDO is sponsored/created by a for-profit entity, the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. As Attachment H, highlight the relevant text in one of the following which describes the process for selecting the remaining 2/3 members:</p> <p><input type="checkbox"/> Charter, OR</p> <p><input type="checkbox"/> Articles of Incorporation.</p>		
Additional Considerations:		
<p>Board Representation. There is at least one Board member that resides in each of the organization's proposed CHDO geographic service area(s), as evidenced by:</p> <p><input type="checkbox"/> Completion of Certification of Board Status Form</p>		
<p>Stability: There has been stability/continuity of board members over the last several years, as evidenced by:</p> <p><input type="checkbox"/> Completion of Certification of Board Status Form</p>		
<p>Development oversight: The board has a committee structure or other means of overseeing planning and development. Submit as Attachment I:</p> <p><input type="checkbox"/> Documentation of committee structures or other means of development oversight</p>		
<p>Board skills: Board members have professional skills directly relevant to housing development (e.g., real estate, legal, architecture, finance, management), as evidenced by:</p> <p><input type="checkbox"/> Completion of Certification of Board Status Form</p>		
<p>Decision-making: The board has the ability to make timely decisions. Submit as Attachment J:</p> <p><input type="checkbox"/> Board minutes from the past six months</p>		
3. SPONSORSHIP/INDEPENDENCE	VDHCD Use Only	
Regulatory Thresholds:	Adequate	Deficiency



CHDO CERTIFICATION APPLICATION

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<p>The CHDO is not controlled, nor receives directions from individuals or entities seeking profit from the organization, as evidenced by Attachment K:</p> <p>_____ The organization's By-laws, OR _____ A Memorandum of Understanding</p>		
<p>Is the CHDO sponsored or created by a for-profit entity? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, a CHDO may be sponsored or created by a for-profit entity, however: The for-profit entity's primary purpose may not include the development or management of housing, as evidenced by Attachment L: _____ In the for-profit organization's By-laws AND If sponsored or created by a for-profit entity, the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced by Attachment L-2: _____ By-laws, _____ Charter, OR _____ Articles of Incorporation</p>		
<p>If sponsored by a religious organization, the CHDO is a separate secular entity from the religious organization, with membership available to all persons, regardless of religion or membership criteria, as evidenced by Attachment M: _____ By-laws, _____ Charter, OR _____ Articles of Incorporation</p>		
4. RELATIONSHIP/SERVICE TO THE COMMUNITY	VDHCD Use Only	
<i>Regulatory Thresholds:</i>	Adequate	Deficiency



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

<p>The organization has a history of serving the community within which housing to be assisted with HOME funds is to be located, as evidenced by Attachment N:</p> <p>_____ Statement signed by the Board President that details at least one year of experience in serving each community, OR</p> <p>_____ For newly created organizations formed by local churches, service or community organizations, a statement signed by the Board President that details that its parent organization has at least one year of experience in serving each community for which Certification is sought.</p>		
<p>The organization provides a formal process for low-income, program beneficiaries to advise the organization in decisions regarding design, siting, development, & management of all HOME-assisted affordable housing projects. As Attachment O, highlight the relevant text in one of the following:</p> <p>_____ The organization's By-laws, OR</p> <p>_____ Resolutions, AND</p> <p>_____ A written statement of operating procedures approved by the governing body.</p>		
<p>Additional Considerations:</p> <p>Needs: Current plans are well grounded in an understanding of current housing conditions, housing needs, and need for supportive services, as evidenced by Attachment P:</p> <p>_____ Narrative statement of any current plans with supporting analysis of the local housing market and housing needs of low-income households.</p>		
<p>Relations: The organization has a positive reputation and a strong relationship with its community, as evidenced by Attachment Q:</p> <p>_____ Supporting documentation</p>		
<p>Local government relations: The organization has a strong relationship with the local government, as evidenced by Attachment R:</p> <p>_____ Supporting documentation</p>		
<p>5. FINANCIAL MANAGEMENT & CAPACITY</p>	<p>VDHCD Use Only</p>	



CHDO CERTIFICATION APPLICATION

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Regulatory Threshold:	Adequate	Deficiency
<p>The organization conforms to the financial accountability standards of 24 CFR 84.21, "Standards for Financial Management Systems", as evidenced by Attachment S:</p> <p>_____ A notarized statement by the president or CFO; OR</p> <p>_____ A certification from a CPA, OR</p> <p>_____ A HUD approved audit summary.</p>		
<p>No part of its net earnings inure to the benefit of any member, founder, contributor, or individual, as evidenced by Attachment T:</p> <p>_____ A Charter, OR</p> <p>_____ Articles of Incorporation</p>		
<p>Additional Considerations. As Attachment U, please respond in a narrative format to the following questions:</p>		
<p>Audit: Does the organization have an annual audit? Is the most recent audit current?</p>		
<p>Audit findings: Were there management or compliance findings in the last two years? Are finding resolved?</p>		
<p>Budgeting: Does the organization do annual budgeting of its operations and all activities or programs? Does it track and report budget versus actual income and expenses?</p>		
<p>Reporting: Is financial reporting regular, current and sufficient for the board to forecast and monitor the financial status of the corporation?</p>		
<p>Cash flow management: Does the organization know its current cash position and maintain controls over expenditures? How regularly does it experience cash flow problems?</p>		
<p>Internal controls: Does the organization have adequate internal controls to ensure separation of duties & safeguarding of corporate assets? Is there sufficient oversight of all financial activities?</p>		
<p>Procurement/Conflict of Interest: Does the organization have a conflict of interest policy governing employees and development activities, particularly in procurement of contract services and the award of housing units for occupancy?</p>		



CHDO CERTIFICATION APPLICATION

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<p>Insurance: Does the organization maintain adequate insurance – liability, fidelity bond, workers comp, property hazard, & project?</p>		
<p>Financial stability: Does the current balance sheet and budget indicate sufficient funds to supports essential operations? To what extent does the organization have a diversified and stable funding base for operations? What revenue sources are predictable year-to-year? Does the CHDO have an established fundraising program for both capital & operational needs?</p>		
<p>Portfolio Financial Condition: If the organization has a portfolio of properties, are they are in stable physical and financial condition? Does it collect adequate management fees from the properties?</p>		
<p>Liquidity: Does the organization have liquid assets available to cover current expenses? Does it have funds available for predevelopment expenses or equity investments required for development?</p>		
6. DEVELOPMENT CAPACITY	VDHCD Use Only	
Regulatory Threshold:	Adequate	Deficiency
<p>The organization has a demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by Attachment V:</p> <p>_____ Resumes and/or statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with HOME funds. Please use the attached Experience Certification Form, OR</p> <p>_____ Contract(s) with consulting firms or individuals who have housing experience similar to projects to be assisted with HOME funds to train appropriate key staff of the organization. The contract shall include the training plan and activities to be accomplished. Please include attached Experience Certification Form and a copy of the executed contract.</p>		



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

<p>Additional Capacity Considerations: As Attachment W, please respond in narrative format to the following questions. You are encouraged to provide supporting documentation as well.</p>		
<p>Portfolio: Does the organization's portfolio of projects/properties evidence competent management and oversight? Do the properties have adequate funding?</p>		
<p>Previous Performance: Has the organization engaged in CHDO activities previously? Did it perform competently?</p>		
<p>Management capacity: Does the current management have the ability to manage additional development activities? Does the organization have the capabilities to analyze alternative housing projects?</p>		
<p>Procedures: Are the corporate lines of authority for development activities clear? Are policies & procedures in place governing development activities?</p>		
<p>Project management: Does the organization have procedures for monitoring the progress of a project? Does it have the capacity to monitor project-level cash flow and schedule?</p>		
<p>Personnel: Does the organization have staff that are assigned responsibilities for housing development? Are personnel policies and job descriptions clear?</p>		
<p>Staff skills: How strong are staff in the following areas:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Legal/financial aspects of housing development <input type="checkbox"/> Management of real estate development <input type="checkbox"/> Oversight of design & construction management <input type="checkbox"/> Marketing, intake <input type="checkbox"/> Property management (if applicable) 		
<p>Training: Are staff encouraged to obtain training and develop new skills? What is their potential for learning skills that they currently do not have?</p>		



CHDO CERTIFICATION APPLICATION

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<p>Member involvement: Is the organization's membership active and in support of housing activities?</p>		
<p>Use of consultants: To what extent does the CHDO have access to and make use of qualified development consultants? How well do consultants interact with staff? Is the consulting focus on training staff?</p>		
<p>Funding access: Does the organization have funds available as equity in housing development projects? Does the organization have the ability to raise funds for the capital requirements of a project? How strong are relationships with funders of housing? With lenders?</p>		
7. HOME ENTITLEMENTS	VDHCD Use Only	
<p>If the geographic area for which state CHDO Certification is sought is in an area covered by a PJ other than the state, the applicant shall submit as Attachment X, a copy of the:</p> <p>_____ Local PJ's CHDO Certification designation, AND</p> <p>_____ Acknowledgement letter (described on Page --- of the Application Manual)</p>	Adequate	Deficiency
8. HOUSING AS PRIMARY PURPOSE	VDHCD Use Only	
<p>Certification is available only to organizations whose primary purpose is to provide and develop affordable housing. Please provide as Attachment Y, a copy of the following:</p> <p>_____ Copy of current fiscal year's full operating budget categorized by program, AND</p> <p>_____ Description of current and planned affordable housing activity.</p>	Adequate	Deficiency



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

For DHCD Use Only:

Reviewers Initials _____ Date _____



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

EXPERIENCE CERTIFICATION

Please attach signed copies for each staff or consultant whose experience should be considered for meeting the Experience/Capacity requirement. Attach one copy for each project. Resumes should also be attached.

Staff or Consultant Name

Mailing Address

Phone Number

Email

Project Name:

Project Location:

Project Type: (Rental/Homeownership, # of Units, Population Served)

Date of Occupancy:

Sources of Funds

Description of Staff/Consultant Role in Project

Project References:

Name

Address

Phone

Name

Address

Phone

I certify that the information provided above is accurate and give my consent to contact references listed.



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

Signature

Date

Certification of Low-Income Representation

Each board member representing the interests of low-income families in the Applicant's target community must complete this certification. Please maintain a copy of this certification in your files and send in a copy to DHCD. These certifications will be reviewed during monitoring visit by the State.

Board Member Name: _____

I certify that I am a current member in good standing of the governing board for _____ (name of the Applicant organization) and that I represent the interests of low-income families in the Applicant's target community. Please check and complete one of the following:

_____ I am a low-income resident of _____, the Applicant's target community.

In order to qualify under this criteria, the board member must be a low-income resident of a community that the CHDO is certified to serve. **Low-income** is defined as 80% or less of area median family income.

_____ I am a resident of a low-income neighborhood in _____, the Applicant's target community.

In order to qualify under this criteria, the board member must live in a low-income neighborhood where 51% or more of the residents are low-income. The board member does not have to be low-income. **Neighborhood** means a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government; except that if the unit of general local government has a population under 25,000, the neighborhood may, but need not, encompass the entire area of a unit of general local government.

_____ I am an elected representative of _____ (insert name of neighborhood organization), a low-income neighborhood organization within _____, the Applicant's target community.

In order to qualify under this criteria, the board member must be elected by a low-income neighborhood organization to serve on the CHDO Board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups. **The group must be a neighborhood organization and IT MAY NOT BE THE CHDO ITSELF. If the board member is qualifying under this criteria, please attach copy of signed resolution from the neighborhood organization naming the individual as their representative on the CHDO.**



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

(Signature)

(Date)



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

Certification of Board Status

Applicants must complete the following **Certification of Board Status** and submit it along with their application for State CHDO certification. Please list each board member by name, then place a check indicating the representation that member brings to the Board. Please list only current or approved board members. Do not list prospective board members who have not been approved to join the board. Minimum: (6) Members.

Board Member Name and Residential Address	Number of Years on Board	Low-Income	Public Institution	Religious Organization	For Profit	Occupation and Place of Employment (If retired, Please specify areas of expertise)

I certify that the above listing of current, participating board members is accurate.



CHDO CERTIFICATION APPLICATION

Virginia Department of Housing and Community Development

Board President Signature

Date



**VIRGINIA DEPARTMENT OF HOUSING
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CHDO CERTIFICATION REQUEST TO CHANGE SERVICE AREA

Virginia Department of Housing and Community Development

Organization Name	Tax ID Number
Mailing Address	
Contact Name	Title
Email Address	Contact's Day Phone Number
Board President Name	President's Day Phone Number

LIST EACH CURRENT & PROPOSED GEOGRAPHIC SERVICE AREA			
--	--	--	--

	<input type="checkbox"/> No Change	<input type="checkbox"/> Add	<input type="checkbox"/> Delete
	<input type="checkbox"/> No Change	<input type="checkbox"/> Add	<input type="checkbox"/> Delete
	<input type="checkbox"/> No Change	<input type="checkbox"/> Add	<input type="checkbox"/> Delete
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	<input type="checkbox"/> No Change	<input type="checkbox"/> Add	<input type="checkbox"/> Delete

PLEASE SUBMIT THE FOLLOWING ITEMS

1. For each locality added, please submit a signed statement by the Board President that details at least one year of experience in serving the community.
2. Submit an updated copy of the Certification of Board Status and the supporting copies of the Certification of Low Income Representation.



CHDO CERTIFICATION REQUEST TO CHANGE SERVICE AREA

Virginia Department of Housing and Community Development

Board President Signature

Date



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**

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CHDO Certification

Certification Of Signatures & Address

The Board of Directors of _____ met on the _____ day of the month of _____, 2005 and authorized the below named individuals to sign contracts, amendments, disbursement requests and other documents requiring such signatures as a part of the CHDO Certification program.

Name & Title (Printed):

Signature:

Name & Title (Printed):

Signature:

Name & Title (Printed):

Signature:

In addition, the following individuals have been authorized to service as the primary and secondary contacts for the organization for matters relating to the CHDO Certification Program.

Primary Contact

Secondary Contact

Name:

Name:

Title:

Title:

Day Phone

Day Phone:

Email:

Email:

The address to which all correspondence and payments to the organization shall be sent is listed below.

Changes to authorized signatures, contact persons or address shall be made in writing to the Virginia Department of Housing and Community Development.

Signature of President

Date

Signature of Secretary

Date





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