

THE NSP 3 SUBSTANTIAL AMENDMENT

1. NSP3 GRANTEE INFORMATION

Jurisdiction: Clayton County, GA
Clayton County Community Development Department
HUD Programs Division
Patrick Ejike, Director

NSP contact: Carol Seaton, NSP Manager
Email: carol.seaton@co.clayton.ga.us
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Mailing address: 1671 Adamson Parkway, Suite 101
Morrow, GA 30260

NSP3 Grant Amount Requested From HUD \$3,796,167

2. AREAS OF GREATEST NEED

Clayton County's intent is to establish an effective implementation strategy plan for NSP3 by:

- 1) Identifying the greatest housing foreclosure needs,
- 2) Gaining consensus and commitments from vital housing industry partners concerning foreclosure remedies,
- 3) Targeting NSP3 resources in support of foreclosure remedies in designated high priority areas,
- 4) And insuring that expectations of the Board of Commissioners and requirements of HUD are satisfactorily met during the program planning and implementation process.

Since October 2010, meetings were conducted with representatives of many groups to discuss the foreclosure needs in Clayton County and what were felt to be the best uses for NSP3 funds. Collaboration efforts involved the County Departments of Community Development, Tax Assessor, Economic Development, Sheriff, Police, as well as the Office of Housing and Community Development, and the Housing Authority of Clayton County. Private partners are lending institutions, including banks, GA Association of Bankers, Metro South Board of Realtors, appraisers, inspectors, builders, and developers, housing counseling agencies, the local Community Housing Development Organization, and other nonprofits. Based on the information gathering process, several priorities take precedence. As a result, it is proposed that the following activities be undertaken with the NSP 3 Grant funds:

1. **Financing Mechanisms - Mortgage Assistance**
2. **Acquisition/Rehab of foreclosed homes or residential properties**
3. **Demolition of blighted properties**

4. Redevelop demolished or vacant properties as housing

The activities were selected to move Clayton toward a tipping point in housing recovery. Use of carefully related internet technology, education, and interactive marketing resources will be critical if these activities are to succeed.

Using HUD data, the NSP staff has identified and defined the following three target areas: 1-North side of the county called Clayton State/Ft. Gillem/Rex, 2-South of the county called Irongate/Lovejoy, and 3-the Jonesboro area. Additional target areas may be added in the future, as the goals for these areas are met or program priorities change.

1. Clayton State/Ft. Gillem Target Area

This area encompasses a large portion of north Clayton County. It is bounded on the east by the county line; on the north by Anvil Block Road, Ft. Gillem, and Forest Parkway; on the west by Old Dixie Road; and on the south by I-75 and Highway 138.

This area was chosen due to its proximity to existing and future redevelopment of Fort Gillem, the State and National Archives, Clayton State University, and the community of Rex. Housing resources contiguous to and surrounding these sites are vital to the area's economic growth and must be stabilized before conditions worsen.

This area has a HUD NSP3 score of 19.07 (must be greater than 17). There are 27,841 homes in the area, with approximately 915 foreclosed homes during the 2010/2011 year. The HUD estimated number of properties needed to make an impact in the target area is 183.

2. Irongate /Lovejoy Target Area

This area is in the south part of the County, west of Highway 1941/Tara Boulevard, between Mundy's Mill Road and McDonough Road to the county line; and southeast of Highway 1941/Tara Boulevard between McDonough Road to county line.

This area was chosen for NSP3 funding to compliment the funds already being used from other sources in the area. For instance, Southern Crescent Habitat for Humanity received a grant from Wells Fargo Bank for neighborhood revitalization in the Irongate area, allowing them to help 70 existing homeowners with minor repairs and curb appeal of their homes. Using NSP3 funds in the area will further stabilize the community.

The area has a HUD NSP3 score of 20 (must be greater than 17). There are 8,269 homes in the area, with approximately 432 foreclosed homes during the 2010/2011 year. The HUD estimated number of properties needed to make an impact in the target area is 88.

3. Jonesboro Area

This area is in the middle of the County, encompassing most of the city limits of Jonesboro. It is bounded on the north/northeast by Hwy 138 Spur, on the west by Tara Blvd to South road, then

going east on a line to Jodeco Road, then north on a line from Jodeco Road to Sheridan Road, to Walt Stephens, then northwest to Hwy 138 Spur.

The area has a HUD NSP3 score of 19.73 (must be greater than 17). There are 1695 homes in the area, with approximately 834 vacant homes. The HUD estimated number of properties needed to make an impact in this target area is 25.

See the maps and information generated by the HUD NSP3 Mapping Tool in the appendix for more information about these target areas.

3. DEFINITIONS AND DESCRIPTIONS

(1) Definition of “blighted structure” in context of state or local law

The Clayton County Code of Ordinances does not use the term “blighted structure,” but does address “Unsafe Buildings” under Article III Sections 18-35. Clayton County will use this “Unsafe Buildings” section from its Code of Ordinances as its “blighted structure” definition for the NSP:

Article III. Sec. 18-35. Unsafe buildings or systems

All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, as determined by the county official are considered unsafe buildings or service systems. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the unsafe building abatement code. (*Ord. No. 2010-122, § 1(18-3.5), 6-8-10*)

(2) Definition of “affordable rents”

Although Clayton County has no plans to use its NSP3 grant funds or NSP3 Program Income to support rental activities, for the purposes of the NSP, Clayton County defines Affordable Rents as the Fair Market Rents published annually by HUD for the Housing Choice Voucher Program.

(3) Ensuring continued affordability for NSP assisted housing

Clayton County will use the HOME Program standards for continued affordability for all NSP3 assisted homes, using Promissory Notes and Deeds to Secure Debt, which contain recapture clauses.

(4) Describe housing rehabilitation standards that will apply to NSP assisted activities

Any gut rehabilitation or new construction will be designed to meet the standard for Energy Star Qualified New Homes if economically feasible.

Other rehabilitation will also be replaced with Energy Star labeled products when applicable, such as when necessary to replace windows, doors, appliances, hot water heaters, furnaces, and air conditioning

units. Water efficient toilets, showers, and faucets will be installed only when replacement is needed. Any system that is replaced or work that is done will meet the Georgia Uniform Building Code (ICC Code), as adopted and amended by Clayton County.

4. LOW-INCOME TARGETING

Clayton County will ensure that at least \$949,042, which is 25% of the NSP3 grant award, will be spent to assist families at or below 50% of Area Median Income (AMI) to purchase homes. Continuing to pursue home ownership for very low-income families is one of Clayton's top priorities. NSP3 staff will continue to work with Southern Crescent Habitat for Humanity to provide housing for this target group.

5. ACQUISITION AND RELOCATION

Clayton County does not intend to acquire any property with NSP3 funds that is not vacant. Any property that is demolished with NSP3 funding will be vacant, blighted or unsafe.

6. PUBLIC COMMENT

A draft of this Substantial Amendment was posted on the Clayton NSP website and the County website on May 15, 2013. A public hearing was held on May 30, 2013 and the period for public comment ended on June 4, 2013. Public comments received are included in the appendix.

7. NSP INFORMATION BY ACTIVITY

Preferences for Rental Housing, for all activities:

In the last few years, Clayton County has experienced an extremely high single-family foreclosure rate. Many of these homes were purchased by investors and used as rental property. We estimate that the percentage of single-family rental housing in the county could be as high as 60%. Many multifamily rental complexes in the county are impacted by this and are experiencing higher than normal vacancy rates. Rents are in a very affordable range, due to competition caused by the volume of rental property available. Therefore, Clayton's NSP3 does not anticipate the need to create preferences for the development of affordable rental housing at this time. The focus of NSP 3 activities will be on increasing home ownership of affordable foreclosed single-family housing in the NSP3 target areas.

ACTIVITY 1

Activity Name: Mortgage Assistance – Moderate/Middle Income

Eligible Use: (A) Establish Financing Mechanisms

CDBG Activity: As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.206.

National Objective: Benefitting low-and moderate- income persons

Activity Description: NSP3 will provide up to \$5,000 as mortgage assistance for homebuyers whose incomes are over 80% AMI and below 120% AMI, or for those who are not first-time homebuyers. HOME funds have also been committed to NSP to use for mortgage assistance for first-time homebuyers below 80% AMI. Buyers will purchase foreclosed homes or an approved short-sale home in the target areas. Buyers will qualify for a loan with an approved bank or mortgage company to receive the mortgage assistance. All buyers will be required to take an 8-hour homebuyer education class. Clayton's NSP3 ultimate goal is to have as many foreclosed or vacant homes purchased by homeowners, knowing that many homes have been purchased by investors and turned into rental property.

Mortgage assistance will be recorded as a soft second using a deed to secure debt and promissory note as our legally enforceable documents. The assistance will have a zero interest rate (0%); but will be recaptured if the home is sold in less than five (5) years.

Location description: All target areas are eligible for this activity.

Budget: NSP3 \$50,000

Performance Measures: 10 homebuyers will be assisted through this activity.

Projected Start Date: April 2012 or as soon as grant funds are received.

Projected End Date: April 2016

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ACTIVITY 2

Activity Name: Acquisition/Rehab

Eligible Use: (B) Purchase and rehabilitate home that have been foreclosed

CDBG Activity: As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.201(a) Acquisition, (b) Disposition, (i) Relocation, (n) direct ownership assistance; 24 CFR 570.202 eligible rehabilitation and preservation

National Objective: Benefitting low- and moderate-income persons

Activity Description:

NSP3 funds will be used to acquire and rehabilitate foreclosed homes in the target area, which will then be resold to income eligible buyers. All homes assisted with NSP funds or NSP program income will be offered for sale to NSP-eligible households at affordable prices and affordable fixed rate primary mortgages.

NSP financed mortgage assistance will also be provided through NSP funding or HOME funding. Tenure of beneficiaries will be homeownership, but if houses cannot be sold within a reasonable period, lease purchase opportunities may be offered with appropriate management oversight and provision for essential services to be provided during the lease time.

Mortgage assistance will be in the form of a 0% interest loan. Loans will have a 5-year term loan for assistance up to \$15,000 and a 10-year term for assistance over \$15,000. Promissory notes and deeds to secure debt will secure the loan. Funds will be recaptured if properties are sold or if ownership is transferred during the loan term.

Location description: All target areas are eligible for this activity.

Budget: NSP3 \$ 2,500,000

Performance Measures: At least 25 homes will be purchased and rehabbed through this activity with grant funds, and others with program income.

Projected Start Date: April 2012 or as soon as grant funds are received.

Projected End Date: April 2016

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ACTIVITY 3

Activity Name: Demolition of Blighted Structures

Eligible Use: (D) Demolish Blighted Structures

CDBG Activity: 24 CFR 570.201 (d) Clearance for blighted structures only

National Objective: Prevention or elimination of Slums or Blight

Activity Description: NSP staff will work with the County Code Enforcement unit to identify blighted homes or residential properties that need to be demolished due to serious code violations. This constitutes addressing slums/blight on a spot basis under CDBG regulations.

Vicinity hiring: If any new hires are needed, those who reside in the target areas would get priority as applicants. This information will be included in any newspaper advertisements for the jobs or in any Requests for Proposals for the work, and on the job application. We will also advertise through local sources most likely to be seen by residents in the vicinity by placing posters in stores, churches, daycare centers, etc. in the target areas. We will also have information available at our Block Parties for neighbors within our targeted areas.

Location description: All target areas are eligible for this activity.

Budget: NSP3 \$379,000 (Maximum of 10% of grant funds)

Performance Measures: Approximately 10 properties will be demolished through this activity.

Projected Start Date: April 2012 or as soon as grant funds are received.

Projected End Date: April 2016

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ACTIVITY 4

Activity Name: Redevelop Vacant or Demolished Properties

Eligible Use: (E) Redevelop Demolished or Vacant Properties as Housing

CDBG Activity: As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.201(a) Acquisition, (b) Disposition, (n) direct ownership assistance; 24 CFR 570.202 eligible rehabilitation and preservation

National Objective: Benefitting low- and moderate- income persons

Activity Description:

Plans are to construct at least 15 new homes on vacant lots or on lots where homes have been demolished.

All homes will be offered to buyers at affordable prices and affordable fixed rate primary mortgages. Mortgage assistance will also be provided through NSP funding or HOME funding. Planned tenure of beneficiaries will be homeownership.

Mortgage assistance will be in the form of a 0% interest loan. Loans will have a 5-year term loan for assistance up to \$15,000 and a 10-year term for assistance over \$15,000. Promissory notes and deeds to secure debt will secure the loan. Funds will be recaptured if properties are sold or if ownership is transferred during the loan term.

Location description: All target areas are eligible for this activity.

Budget: NSP3 \$ 2,000,000

Performance Measures: At least 15 homes will be constructed with these funds.

Projected Start Date: April 2012 or as soon as grant funds are received.

Projected End Date: April 2016

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PROGRAM ADMINISTRATION:

Funds for program administration have been budgeted as 10% (maximum allowable) of the total NSP3 grant for an amount of \$379,616 as well as 10% of program income.

8. CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction certifies that it has in effect and will follow a residential anti-displacement and relocation assistance plan.

(3) **Anti-lobbying.** The jurisdiction will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.

(4) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(5) **Consistency with Plan.** The housing activities to be undertaken with NSP3 funds are consistent with its consolidated plan, which means that NSP3 funds will be used to meet the congressionally identified needs of abandoned and foreclosed homes in the targeted area set forth in the grantee's substantial amendment.

(6) **Acquisition and relocation.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24, except as those provisions are modified by the Notice for the NSP3 program published by HUD.

(7) **Section 3.** The jurisdiction will comply with section-3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Citizen Participation.** The jurisdiction is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.

(9) **Following Plan.** The jurisdiction is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

(10) **Use of funds.** The jurisdiction will comply with the Dodd-Frank Wall Street Reform and Consumer Protection Act and Title XII of Division A of the American Recovery and Reinvestment Act of 2009 by spending 50% of its grant funds within 2 years and spending 100% within 3 years of receipt of the grant.

(11) **Use NSP funds \leq 120 of AMI.** The jurisdiction will comply with the requirement that all of the NSP3 funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120% of area median income.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if NSP funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and

occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

- (12) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing:
- a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from, a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

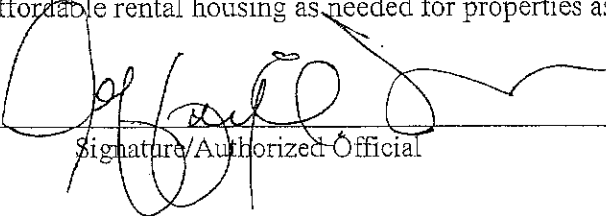
(13) **Compliance with anti-discrimination laws.** The NSP3 grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(14) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R. of this title.

(15) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(16) **Vicinity hiring.** The jurisdiction certifies that it will, to the maximum extent feasible, provide for hiring of employees that reside in the vicinity of NSP3 funded projects or contract with small businesses that are owned by persons residing in the vicinity of NSP3 projects.

(17) **Development of affordable rental housing.** The jurisdiction certifies that it will abide by the procedures described in its NSP3 Substantial Amendment to create preferences for the development of affordable rental housing as needed for properties assisted with NSP3 funds.



Signature/Authorized Official

6/19/13

Date

Chairman, Board of Commissioners
Title

APPENDIX

NSP3 PROJECT SUMMARY

Project Name	Total Housing Units	NSP3 Need Score
Clayton State/Ft. Gillem	27,841	19.07
Irongate/Lovejoy	8,269	20
Jonesboro Area	1,695	19.73
Total Housing Units for all areas:	37,805	
Average NSP3 Need Score:	19.6	

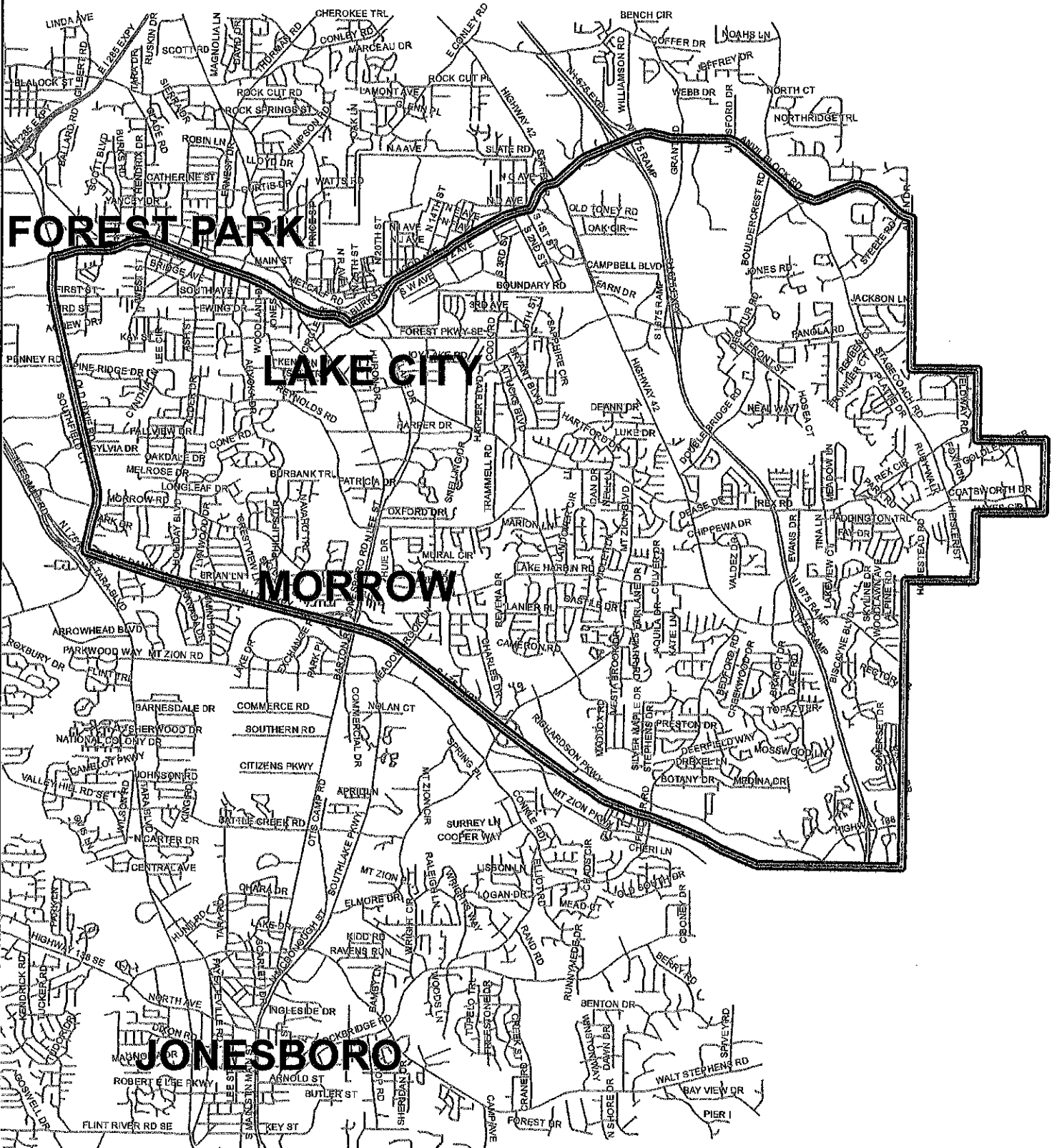
PUBLIC COMMENT

The NSP3 Revised Substantial Amendment was posted on the County Website and the Clayton NSP Website, beginning on May 15, 2013, with instructions for how to make a public comment. The public comment period ended on June 4, 2013.

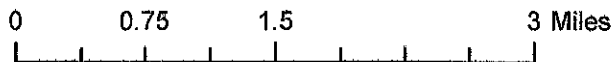
A public hearing on this amendment was held on May 30, 2013 at 6:00 p.m. at the HUD Programs Division office, 1671 Adamson Parkway, Suite 101, Morrow GA 30260. There were six people plus four NSP staff present. The changes to the amendment were presented, and those present thought these were helpful changes, and should be implemented.

There were no written comments received.

Clayton State Target Area

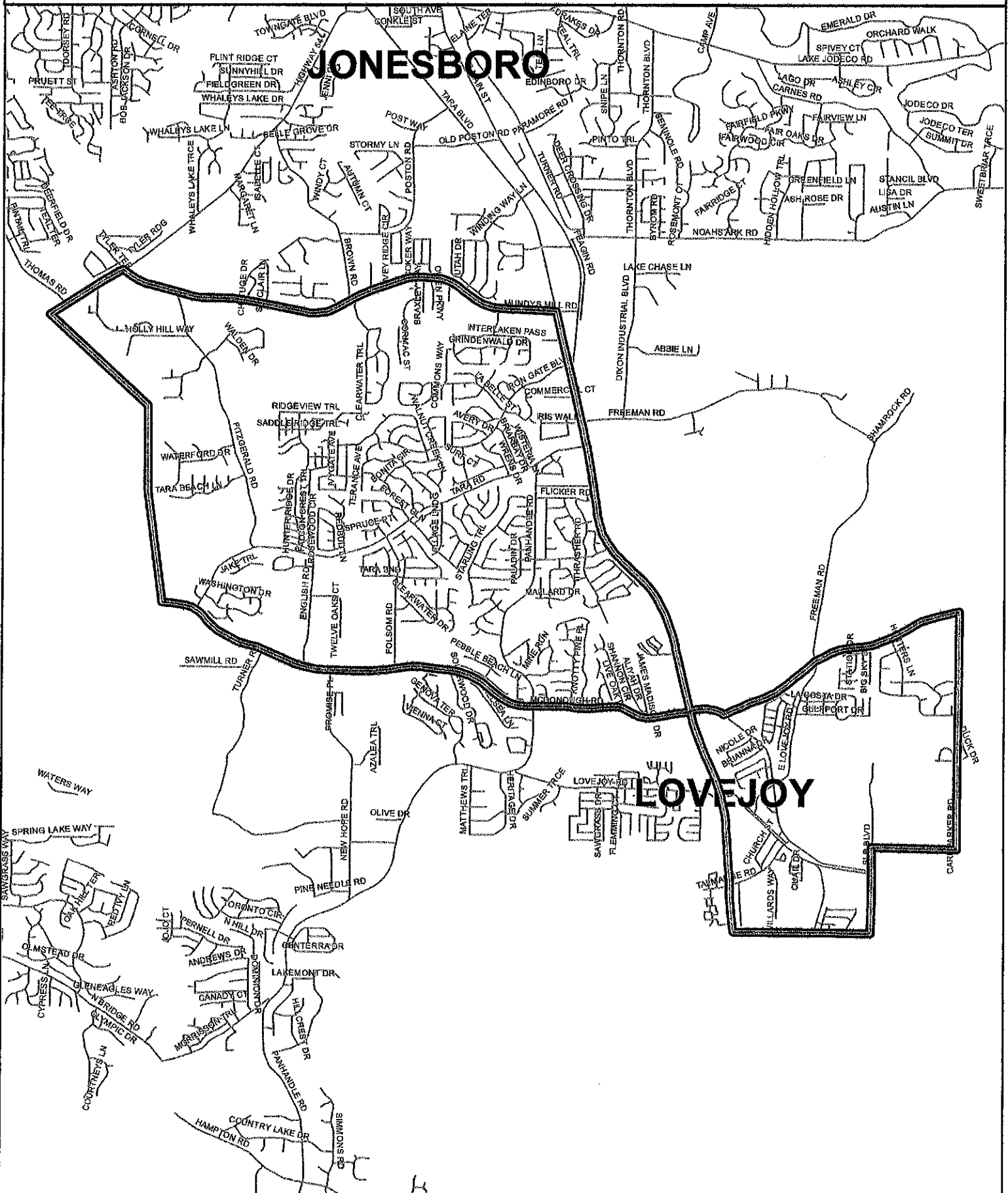


Clayton County, Georgia
Neighborhood Stabilization Program
NSP3 Target Area

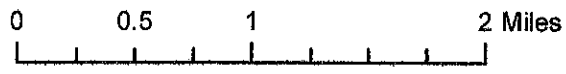


Geographic Information Systems:
A Division of Community Development

Irongate Target Area

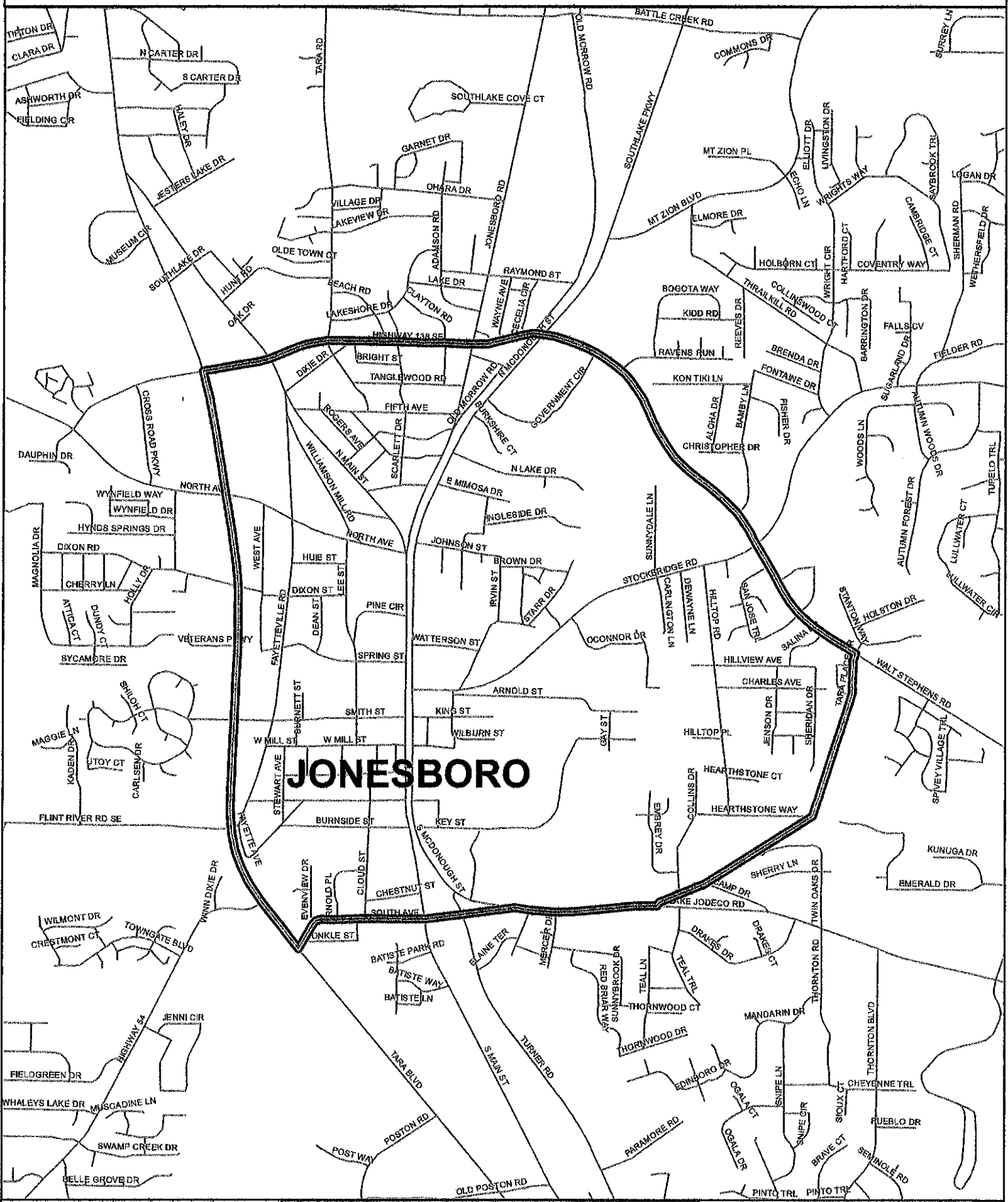


Clayton County, Georgia
Neighborhood Stabilization Program
NSP3 Target Area

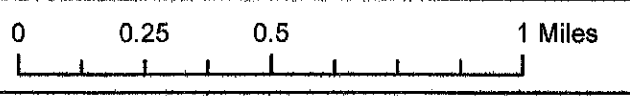



Geographic Information Systems:
A Division of Community Development

Jonesboro Target Area



Clayton County, Georgia
 Neighborhood Stabilization Program
 NSP3 Target Area



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 A Division of Community Development