



**KANSAS
HOUSING**
RESOURCES CORPORATION

**Kansas Moderate Income Housing (MIH) -
American Rescue Plan Act (ARPA)**

Request for Proposal (RFP)

Deadline: 5:00 PM on Friday, February 17, 2023

TABLE OF CONTENTS

A. Background	3
B. Administration	3
C. MIH-ARPA RFP Overview.....	3
D. Application Process.....	6
E. MIH-ARPA Current Funding Priorities	6
F. Application Requirements	6
G. Leveraged Funds	8
H. RFP Award Process.....	9
I. Reporting Requirements	10
J. Fund Disbursement	11
K. Disclosure of Relationship	11
L. Compliance Monitoring	11
M. ARPA SLFRF Restrictions on Use	12

ATTACHMENTS

Attachment A. MIH Income Target Guidelines.....	13
Attachment B: Kansas MIH-ARPA RFP Evaluation Guidelines	14
Attachment C: K.S.A. Chapter 58, Article 14	16

A. Background

Kansas Housing Resources Corporation (KHRC) is a public corporation that administers federal and state housing programs on behalf of the State of Kansas. KHRC programs address single and multifamily housing development, down payment assistance for first-time homebuyers, rental assistance, and housing with supportive services. A summary of KHRC programs can be found at www.kshousingcorp.org.

One such KHRC program is the Moderate Income Housing (MIH) Program, originally supported solely with State General Funds (“SGF”). For the purposes of this RFP, “moderate income housing” is defined as households between 60 and 150 percent of HUD’s FY2022 income ranges. Attachment A to this RFP details MIH income targeting based on the number of household members. KHRC has historically utilized the MIH to provide loans and grants for affordable housing development.

In response to the increased need for moderate income housing, approximately \$60 million has been provided to KHRC for the purpose of administering and supporting moderate income housing programs. This includes \$20 million in federal State and Local Fiscal Recovery Funds (“SLFRF”), a part of the American Rescue Plan Act (“ARPA”), provided to state, local and Tribal governments through the U.S. Department of Treasury (“Treasury”) to support their response to and recovery from the COVID-19 pandemic. Through House Substitute for Substitute for Senate Bill 267 (SB 267), \$20 million of the ARPA SLFRF funds provided to the State of Kansas have been allocated to KHRC for the MIH program.

KHRC intends to allocate these funds by doing multiple application rounds throughout the year, beginning with this current MIH-ARPA RFP.

B. Administration

The primary contacts for the MIH-ARPA Program are:

Alissa Ice	Jason Fizell
Director of Housing Development	Housing Development Liaison, MIH-ARPA Point of Contact
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MIH-ARPA funding questions can be directed to MIH@kshousingcorp.org.

C. MIH-ARPA RFP Overview

Kansas communities and employers have stressed a growing need for affordable moderate-income housing. The State of Kansas has invested ARPA SLFRF revenue loss funds to boost the supply of affordable housing as a government service.

KHRC is seeking quality applications for MIH developments that will provide the best investments of the subject resources across the state of Kansas. **MIH-ARPA funds will be targeted to larger scale projects that can utilize more than the MIH-only award maximum.** Awards will be given to competitive applicants based on a demonstrated and ongoing housing need, capacity to administer the proposed development, and a complete application.

Under this MIH-ARPA RFP, KHRC expects to allocate approximately \$5M in SGF funds and up to \$10M of ARPA SLFRF funds. **Under SB 267, KHRC shall only use these funds for grants or loans to cities or counties for housing development in rural areas.** Further definitions of these terms follow.

This RFP contains information on eligible applicants and activities, application procedures, award criteria, grant/loan structuring, and reporting and compliance monitoring requirements.

Due to the source of the funds, awardees of MIH-ARPA funds will need to be familiar with and demonstrate their ability to adhere to the applicable Treasury ARPA SLFRF requirements. Those requirements are outlined in the following Treasury *Coronavirus State & Local Fiscal Recovery Funds* guidance:

- [Final Rule: Frequently Asked Questions](#) (“Treasury’s *Final Rule* FAQ”),
- [Overview of the Final Rule](#) (“Treasury’s *Overview*”), and
- [Final Rule](#) (“Treasury’s *Final Rule*”).

Treasury’s [Final Rule FAQ](#) clearly states in 2.14 that “Under the final rule, ‘Development, repair, and operation of affordable housing and services or programs to increase long-term housing security’ is an enumerated eligible use to respond to the negative economic impacts of the pandemic on households and communities. Treasury continues to strongly encourage the use of ARPA SLFRF for affordable housing...” The FAQ also provides guidance in 3.2 and 3.3 on how the related “revenue loss” and “government services” eligible use categories can be used to provide affordable housing.

Importantly, Treasury’s [Overview](#), page 11, states: **“Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements.** Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.” A “Restrictions on Use” section is found in section M of this RFP as well as in more detail on pages 41-42 of Treasury’s [Overview](#).

Applicants should be aware and understand that this is the MIH-ARPA RFP, and any awards are funded in whole or in part by funds allocated to the State of Kansas and provided to the MIH program through state legislation. In the event the funds supporting this RFP or subsequent award become unavailable, are reduced, or rescinded, KHRC

may terminate or amend this RFP and/or rescind any award made to an applicant without penalty and will not be obligated to pay the applicant any amounts from any other sources, including but not limited to KHRC, SHTF, ARPA or State of Kansas monies.

Under the ARPA SLFRF statutory requirements, recipients must incur all expenditures by December 31, 2026.

Eligible Applicants

To be eligible to apply for MIH-ARPA funding under this RFP, applicants must be either an eligible city or county. As provided under SB 267, for the purposes of this RFP an eligible city is defined as any city incorporated in Kansas with a population under 60,000. An eligible county is defined as any county with a population of less than 60,000. A county with a population larger than 60,000 can apply on behalf of a city with a population less than 60,000.

Applicant cities and counties may partner or contract with outside entities or individuals, including but not limited to public housing authorities, nonprofits, community housing development organizations, developers, contractors, and local employers. Notwithstanding the preceding sentence, the applicant cities and counties shall retain full responsibility for compliance with all RFP rules and requirements and will need to provide additional information to KHRC regarding any partnerships or contracts to ensure compliance with procurement requirements, as detailed below.

Eligible Activities

Under this MIH-ARPA RFP, applicants may only use funds for:

- (1) development of multi-family rental units and single-family for-purchase homes, including acquisition of real property, new construction, modular or manufactured housing, rehabilitation of existing vacant housing, and/or home buyer assistance; or
- (2) infrastructure to support development of multi-family rental units and single-family for-purchase homes. Infrastructure costs should be proportionate to the number of housing units developed. For new construction, state requirement KSA Chapter 58, Article 14 applies (see Attachment C). Fair Housing Design standards may also apply.

This RFP has been structured to allow flexibility to applicants in developing proposed activities within the definitions laid out above. Applicants are encouraged to submit a project that prioritizes economic development and leverages funds from both private and public sources, preferably for MIH needs.

Requested grants or loans should be between \$650,000 and \$3.5 million. Applicants are encouraged to request funds in the form of loans over grants. KHRC may give priority to below market rate loans to ensure maximum impact of this RFP.

D. Application Process

The deadline to submit applications under this MIH-ARPA RFP is **5:00 PM on Friday, February 17, 2023**. Please submit the Excel application and PDF documents electronically.

Applicants may only submit one application per funding round. Each application may only include one project. Applications that include more than one project will not be reviewed.

E. MIH-ARPA Current Funding Priorities

Housing needs in Kansas are great, and to be transparent, KHRC will list the ongoing and temporary funding priorities for each funding round. Below is a list of the funding priorities for this current round:

- Larger scale projects;
- An equitable distribution of funds throughout the state;
- Proposed housing projects in areas with a demonstrated and ongoing housing need;
- Proposed housing projects in areas with that have difficulty filling employment positions due to a lack of housing stock;
- Proposed housing projects in communities with a demonstrated ability to utilize and adhere to the requirements of the ARPA SLFRF funds.

F. Application Requirements

Each application requires a full submission of the required documents. KHRC will not reimburse for costs accrued prior to application approval. Each applicant will be responsible for any costs incurred in preparing an application, and all applications shall include the following:

Common Requirements for MIH, MIH-ARPA, and KHITC Applications:

- 1. Notice of Application**
- 2. Project Information**
 - 2.1. Narrative – the Narrative should address the following:
 - 2.1.1. Description of the project
 - 2.1.2. Administration of the project

- 2.1.3. Capacity of the applicant
- 2.1.4. Description of the collaboration with local/city/county housing community, including lenders, employers, economic development organizations, qualified investors, and other housing partners.

3. Project Plan

- 3.1. Timeline of project, including construction closing, construction period, and unit lease-up or sale
- 3.2. Description of the housing to be constructed with sketches and/or renderings
- 3.3. Proforma for construction and permanent financing periods including projected sale price and/or monthly rents
- 3.4. Description of the project's intended market and anticipated pricing for the housing.

4. Source of Funds

- 4.1. Proof of funding source(s),
- 4.2. Investment and/or equity confirmation including the pay-in structure, fees, and investment requirements.

5. Housing Needs Analysis or Survey of the Community

6. Community Support

- 6.1. Resolution from Governing Body

7. Accessibility Certification (KHRC form)

- 7.1. Comply with the accessibility standards identified in K.S.A. 58-1401, et seq., and/or Fair Housing design standards, as applicable.

8. RHID (If applicable)

Requirements for MIH-ARPA -specific Applications:

1. MIH-ARPA Excel Application

- 1.1. Applicants must register and create a profile with SAM.gov and provide their Unique Entity Identifier (UEI) in the format of 12 alpha-numeric characters.

2. Development Team Information (Note: Recipients are considered subrecipients of federal funding, and the appropriate procurement policies apply.)

- 2.1. Prospective grantees that have already selected a developer and/or general contractor are required to submit:

- 2.1.1. A sole source/competition impractical request to KHRC for consideration and approval. This request should outline the rationale for working with a particular developer.

- 2.1.2. Resumes for each member of the development team.

- 2.2. Prospective grantees that have not already selected a developer and/or general contractor must provide:

- 2.2.1. Detail about their proposed procurement processes and/or policies.

- 2.2.2. Resumes for each potential member of the development team, if known.

3. Additional Development Information

- 3.1. Proof of site control
- 3.2. Proof of proper zoning or proper zoning application
- 3.3. Legal description of site

4. Leveraged Funds

- 4.1. Certification and supporting documentation

5. Job Creation and Economic Development

- 5.1. Narrative – the Narrative should address how development provides a solution to the housing needs of the region.
 - 5.1.1. Unmet housing needs – demonstrated through low unemployment rate, difficulty filling employment positions, and commitment to growing housing stock.
 - 5.1.2. Expanded housing needs – demonstrate the ability to attract new businesses through the housing development; demonstrate a direct correlation between the proposed wages of the new or expanding business and the affordability of the proposed housing.
 - 5.1.3. What other housing activities are happening to meet these needs?
 - 5.1.4 Supporting documentation

6. Energy Certification (KHRC Form)

- 6.1. Meet the minimum standards of the 2018 International Energy Conservation Code or Energy Star Program. Projects building 10 or more units will be required to contract with an energy rater to demonstrate compliance. For projects building 10 or more units on scattered sites, KHRC will evaluate whether contracting with an energy rater will be required and will notify the awardee at the signing of the grant agreement.

KHRC reserves the right to request additional information as it deems necessary to evaluate the applications.

G. Leveraged Funds

KHRC will consider leveraged funds when evaluating applications. For evaluation purposes, KHRC will review the requested amount of funding as a percentage of the development budget. Recognizing that calculating leveraged funds is complicated and nuanced, KHRC will consider sources such as in-kind labor and services, reduced fees and taxes, and city contributed work, but note that these sources will be considered outside the leveraged funds calculation.

Applications with a Rural Housing Incentive District (RHID) will be prioritized, so long as the applicant provides the feasibility analysis and description of the project from the RHID redevelopment plan with the MIH application. KHRC expects MIH funding to be

targeted toward vertical construction costs if the development is part of a Department of Commerce approved RHID.

H. RFP Award Process

Applications will be collected and evaluated by KHRC's Housing Development MIH team. Applications will be considered property of KHRC, are matters of public record subject to the Kansas Open Records Act, and may be subject to public disclosure by KHRC after the announcement of awards.

The Kansas Moderate Income Housing RFP Evaluation Guidelines (Attachment B) will be used in the evaluation of the applications in KHRC's sole discretion.

KHRC will evaluate applications to ensure compliance with Treasury's guidance, and applicants are encouraged to review the same to ensure their proposed project complies.

KHRC may disqualify applications based on an applicant making misrepresentations or providing materially false information in an application.

The review team will make a recommendation for awards to KHRC's Loans and Grants Committee for approval. KHRC reserves the right to accept, reject, or request modifications to any applications, and all decisions by the Loans and Grants Committee are final.

KHRC will notify applicants of the results of their applications in March 2023.

Successful applicants will receive a conditional award letter specifying any additional requirements deemed necessary by KHRC prior to receiving funds. Additional requirements may include but are not limited to:

- Proof of site control
- Designs
- Phase I Environmental Report
- Updated financial commitments
- A site visit by KHRC staff

Award recipients will be required to sign an agreement, along with other documents as requested by KHRC, prior to the distribution of any funds or beginning any work. MIH-ARPA awards are subject to revocation prior to the agreement being signed. These agreements and documents will detail, among other things, the procedures and requirements for proceeding with the approved housing activity, requesting funds, and reporting the use of awarded funds, as well as the applicable ARPA SLFRF requirements. The agreement(s) will require that recipients use any income derived now or at a later time from their housing activity solely for housing purposes. KHRC may incorporate other terms and provisions in the agreement(s) in its sole discretion.

If the awardee receives the funds in the form of a loan, KHRC will require a promissory note, a mortgage, and a loan agreement. The terms of the loan are negotiable between the awardee and KHRC, subject to applicable ARPA SLFRF requirements.

Development completion is expected within 18 months of the award notification unless otherwise approved by KHRC in writing. Prior to making any changes in the approved eligible housing activities during the term of the grant agreement, awardees must request written approval from KHRC. All decisions are final and made in KHRC's sole discretion.

I. Reporting Requirements

Prospective grantees shall administer the program consistent with all applicable ARPA SLFRF requirements including definitions provided by law, regulation, Treasury guidance, or the like and in accordance with any additional reporting guidance provided by the Treasury and all applicable state rules, regulations, and statutes. Prospective grantees shall meet all applicable reporting requirements as provided by the Treasury, including applicable provisions of 2 C.F.R. Part 200, provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"). Prospective grantees shall provide timely and complete responses to requests from KHRC. Prospective grantees shall provide KHRC access to requested records and financial statements and provide any additional information as reasonably requested by KHRC.

Beginning with the first business day of the month following an award being made to an applicant and each month thereafter, the awardee shall submit, in writing, monthly status reports to KHRC until the development is completed and all funds have been expended. The status report should detail the use of funds to date, along with a self-assessment comparing that use with the recipient's proposed use from its original application to KHRC. The status report shall include an evaluation of the housing activities to date as well as the status of construction and the nature and reasons for any changes in the activities. A monthly status report should be filed even if there has been no progress or activity from the previous month.

If an applicant uses funds for single family housing development or assistance, the applicant must implement a recorded recapture provision. The recapture provision shall require that if the homeowner sells the single-family house within five years after the homeowner's initial occupancy, then the homeowner shall repay a prorated portion of the profit from that sale to the applicant.

If an applicant uses the funds for rental housing development, KHRC may require the applicant to record a Land Use Restriction Agreement for a period of five years.

When the development has been completed and all funds have been expended, awardees shall provide KHRC a final report packet including, but not limited to, proof of the required recorded documents, the accounting of funds, detail of the use of any income

generated from the housing activities within 60 days of development completion, and a summary of the continued economic development and job creation.

J. Fund Disbursement

Before awarded funds will be disbursed by KHRC, applicants must submit a cover letter requesting the funds with proper supportive documentation, such as an invoice or contract. The funds awarded will be distributed as a reimbursement so long as applicants are complying with the KHRC grant agreement. Applicants can request up to 15 percent of the awarded funds up front. Applicants must provide KHRC with the proper documentation throughout the project development as proof. KHRC may request additional documentation as KHRC deems necessary and may visit the development site to ensure work completion.

K. Disclosure of Relationship

Applicants must disclose any potential conflicts of interest that may arise related to a project proposed in Applicant's application.

Applicants must also disclose any current or former KHRC employees acting as a consultant or interested party. KHRC employees cannot receive a financial gain from the funding of a project received through KHRC while employed at KHRC and for a period of two years after their employment ends.

L. Compliance Monitoring

All Federal, State, and local requirements remain in effect, including applicable provisions of 2 C.F.R. Part 200. In addition, other applicable laws and regulations, outside of ARPA SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts of interest, environmental standards, or civil rights).

The project will be subject to physical inspections to assess project compliance, and the awardee may be subject to in person or virtual fiscal monitoring.

KHRC will monitor an awardee's compliance with the applicable requirements of this RFP and any agreements executed by the parties in connection with this RFP. All financial transactions of the cities or counties relevant to this RFP may be audited by KHRC, Legislative Post Audit, and other agencies or agents of the State of Kansas or federal government. KHRC may withhold a portion of the grant until the project is completed.

Applicants approved for rental developments must submit tenant income information for five years. Applicants must submit the KHRC compliance form annually for the five-year compliance period, as well as any other documentation requested by KHRC.

Applicants approved for a homeownership project must submit homeowner income information upon sale, proof of the recorded five-year recapture provision, and any other documentation requested by KHRC. KHRC's expectation is that the homeownership costs are 30 percent or less of the household's income.

M. ARPA SLFRF Restrictions on Use

While KHRC has considerable flexibility in using ARPA SLFRF Funds to address the housing needs of Kansas communities as provided in SB 267, some restrictions on use of funds apply, as detailed on page 41 of Treasury's [Overview](#). These restrictions include a prohibition on using funds: to offset a reduction in net tax revenue, for deposits into pension funds, for debt service, for satisfaction of settlements or judgments, or for any purpose that conflicts or contravenes with the purpose of the ARPA statute.

ATTACHMENT A:

MIH Income Target Guidelines

KANSAS HOUSING

Moderate Income Housing Income Range

HUD's FY 2022 Income Limits

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
150%	\$ 90,900	\$ 103,950	\$ 116,850	\$ 129,900	\$ 140,250	\$ 150,750	\$ 161,100	\$ 171,450
100%	\$ 60,600	\$ 69,300	\$ 77,900	\$ 86,600	\$ 93,500	\$ 100,500	\$ 107,400	\$ 114,300
60%	\$ 36,360	\$ 41,580	\$ 46,740	\$ 51,960	\$ 56,100	\$ 60,300	\$ 64,440	\$ 68,580

Based upon HUD's FY 2022 State Income Limits

**The Moderate Income Housing program is intended for households who do not qualify for other housing resources that are restricted to lower incomes. These funds are not intended to substitute housing resources specified for lower incomes. Therefore, if a community needs to develop housing for a population that includes households below 60% of AMI, KHRC has the right to make an exception on a circumstantial basis.*

ATTACHMENT B:

Kansas MIH-ARPA RFP Evaluation Guidelines

KHRC will consider the following when evaluating applications for grant or loan funds under the MIH-ARPA RFP:

1. Overall Application

- a. Thoroughness of application – application completed in its entirety, questions thoroughly answered, supporting PDF documents submitted
- b. Timeliness of application submission and responses to requests for follow-up information
- c. Ability to meet minimum MIH-ARPA RFP and ARPA SLFRF requirements

2. Project Information

- a. Comprehensiveness of project description and organizational structure
- b. Ability to utilize MIH-ARPA funds
- c. Housing development experience and qualifications
- d. For applicants who have an award history with KHRC, consideration will be given in part based on the applicant's history, experience, loan or grant administration activity, and compliance with the relevant programs
- e. Readiness to proceed
- f. Previous responsiveness to requests for information
- g. Evidence of collaboration with community stakeholders

3. Project Plan

- a. Thoroughness and timeliness of project plan including the development timeline, completeness of sketches and renderings, and strength of the proforma
- b. Indication of target market and anticipated pricing for housing
- c. Prioritization of community's moderate income housing

4. Source of Funds

- a. Specifically identified sources and intended use of funds, including allocation of expenditures and expected outcomes
- b. KHRC's analysis of efficiency and impact of funds on housing and economic development in community

5. Housing Needs Analysis or Survey of the Community

- a. Clear, quantifiable housing needs identified for the target community

6. Community Support

- a. Ability to demonstrate community support through the resolution from the governing body

7. Development Team Information

- a. Submission of full development team information, including resumes

8. Additional Development Information

- a. Status of site control and zoning; complete legal description

9. Leveraged Funds

- a. Specifically identifies sources and values of leveraged funds
- b. Proportion of leveraged funds compared to requested MIH-ARPA funds
- c. Requesting MIH-ARPA funds as a loan or grant

10. Job Creation and Economic Development

- a. Urgency of housing need, specifically areas of significant economic development or show a difficulty filling employment positions due to a lack of housing stock
- b. Community's response to housing need to date
- c. Existing community resources available to address housing needs in the future

11. RHID (If applicable)

- a. Ability to effectively and efficiently combine an RHID and a KHITC award

ATTACHMENT C:

K.S.A. Chapter 58, Article 14

Chapter 58.--PERSONAL AND REAL PROPERTY

Part 6.--MISCELLANEOUS PROVISIONS

Article 14.--ACCESSIBILITY STANDARDS FOR CERTAIN DWELLINGS

58-1401. Accessibility standards for certain dwellings; definitions. As used in this act:

(a) "Dwelling" means any single family residence and each individual living unit in a duplex or triplex residential building which is constructed with public financial assistance.

(b) "Public financial assistance" means:

- (1) A building contract or similar contractual agreement with any state agency;
- (2) any real estate received by the owner through a donation by the state;
- (3) state tax credits;
- (4) grant assistance from state funds;
- (5) state loan guarantees; or
- (6) federal funds administered by the state or a state agency.

(c) "Director" means the director of the division of housing in the Kansas development finance authority.

58-1402. Same; design and construction standards. (a) Except as provided by this act, dwellings shall be designed and constructed to have at least one accessible entrance on an accessible route. If the entrance is served by a ramp, the ramp shall have a maximum slope not to exceed a ratio of one inch rise to every 12 inch horizontal run and shall have a level landing at the top and bottom of each run.

Accessible entrance doors and doorways shall have a minimum clear opening of 32 inches. The accessible entrance may be any entrance at the front, side, back or garage of the dwelling that is served by an accessible route. The accessible route shall be no less than 36 inches wide with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run. If a patio door serves as an accessible entrance, a standard six-foot sliding patio door assembly shall be deemed to be sufficient to comply with the requirements of this subsection. The threshold of such doors shall not exceed 1/2 inch or, in the case of a sliding door, 3/4 inch.

(b) All doorways located on the same floor on which the accessible entrance is located within the dwelling intended for user passage within the dwelling shall be sufficiently wide to allow passage by persons using wheelchairs. Except for doors serving closets having less than 15 square feet in area, all doors located on the same floor on which the accessible entrance is located which are intended for user passage shall provide a minimum 32-inch clear opening with the door open 90 degrees measured between the face of the door and the doorstop.

(c) An accessible route located on the same floor on which the accessible entrance is located shall be designed and constructed in such a manner that a 36-inch wide route is provided with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run. Such route shall have ramped or beveled changes at door thresholds. Beveled edges of such thresholds shall not exceed 1/2 inch or, in the case of a sliding door, 3/4 inch.

(d) In bathrooms located on the same floor on which the accessible entrance is located, the walls at the bathtub, shower and toilet shall be reinforced so that grab bars may be installed at a later date, if needed. Such reinforcement shall be sufficient enough to support a sheer force of 250 pounds.

(e) Light switches, electrical outlets, thermostat controls and other controls located on the same floor on which the accessible entrance is located shall be placed so that a person using a wheelchair can access the controls using either a forward or sideward approach. Such controls shall be placed no less than 15 inches nor more than 48 inches from the floor in the case of a forward approach. Such controls shall be placed no less than nine inches nor more than 54 inches from the floor in the case of a sideward approach. If multiple controls serve the same elements, only one need be accessible.

58-1403. Same; application to new dwellings. Except as provided by this act, the design and construction of all new dwellings shall conform to the accessibility standards specified in K.S.A. 2004 Supp. 58-1402, and amendments thereto.

58-1404. Same; condition of release of public financial assistance. (a) Whenever public financial assistance for dwellings is available, information concerning the requirements of this act shall be included in any notice or educational material regarding the availability of such financial assistance. Prior to releasing funds to a person receiving such financial assistance, the administrator of the program or other appropriate officer or employee shall require the person who is to receive such financial assistance to sign an affidavit of intent to comply with the requirements of this act.

(b) Except as provided by K.S.A. 2004 Supp. 58-1405, and amendments thereto, any person who accepts public financial assistance and fails to comply with the requirements of this act may be ineligible to receive public financial assistance in the future.

58-1405. Same; waiver of requirements. (a) Upon application therefor, the director may waive any requirement of K.S.A. 2004 Supp. 58-1402, and amendments thereto. Applications for a waiver shall be submitted to the director. If the director determines that such compliance is financially or environmentally impractical, the director may waive such requirement. The director shall render a decision regarding any application submitted pursuant to this section within 60 days of receipt thereof.

(b) Unless otherwise provided by rules and regulations adopted by the director, proceedings to consider a waiver under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Appeals from the decision of the director shall be governed by the provisions of the act for judicial review and civil enforcement of agency actions.**58-1406. Same; act not applicable to certain dwellings.** The provisions of this act shall not apply to any dwelling which is:

(a) A private residence which is owner-occupied or which is under contract for occupation by the owner;

(b) a private residence for which an individual tax credit is received;

(c) a private residence which is financed with funds from the federal housing administration, rural development programs administered by the United States department of agriculture or under a single-family mortgage guarantee assistance program;

(d) a private residence for which rental vouchers or certificates under 42 U.S.C. §1437 are accepted;

(e) financed with public funds other than state funds or federal funds administered by the state or a state agency; or

(f) a dwelling the design or construction of which commenced prior to July 1, 2002, as evidenced by (1) a payment for such design or construction, (2) a contract for such design or construction or (3) or other proof sufficient to the director as prescribed by rules and regulations.

58-1407. Same; rules and regulations. The director shall adopt any rules and regulations necessary to implement the provisions of this act.

History: L. 2002, ch. 175, § 7; L. 2003, ch. 154, § 18; July