

# 2023 Kansas Moderate Income Housing (MIH)- American Rescue Plan Act (MIH-ARPA) Round 2 Frequently Asked Questions (FAQ)

KHRC will continue to update this FAQ document periodically during the open MIH-ARPA application period through June 2, 2023 (**Changes/additions since the initial 4/17/2023 release are shown in red.**). Submit all questions electronically to [MIH@kshousingcorp.org](mailto:MIH@kshousingcorp.org).

**Also reference the [MIH 2023 Round 2 FAQ](#), incorporated by this reference, for additional guidance.**

## A. Background

## B. Administration

## C. MIH-ARPA RFP Overview – Eligible Applicants/Eligible Activities

### 1. Can the MIH-ARPA applicant apply half loan, half grant?

Due to the required December 31, 2026, end date for MIH-ARPA projects, we would rather the applicants request grants over loans under the [MIH-ARPA RFP](#). However, per FAQ C.4. below, we are open to receiving applications from MIH-ARPA projects for loans through the MIH loans for infrastructure.

### 2. My questions concern the amount of time and effort required to manage a successful grant request. The county administrator would like me to be able to outline to him what they would be signing up for if a grant were to be awarded.

**I want to walk my county administrator through this, and I know he will be interested in the requirements of the county if a project is funded. What are the responsibilities and such that would fall to the county to properly administer the funds?**

As Section D. MIH-ARPA RFP Overview of the [MIH-ARPA RFP](#) notes: “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.” However, this is balanced by the fact that “Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements.”

The city or county is responsible for the disbursement of the funds and the compliance on the project. They will be a part of all communications and the grant agreement will be with the city or county. We usually see responsibilities divided one of two ways: developer-led projects or city/county-led projects.

In a city/county-led project, the city or county manages all aspects of the MIH project. This includes (but is not limited to) monthly reports, disbursement of funds, compliance management, annual reports, and day-to-day communication with KHRC.

In a developer (or non-profit)-led project, the developer will be involved in these things, as KHRC does work with other organizations in addition to the city/county. However, compliance and other MIH requirements are the responsibility of the grantee, not the organization they designate to manage the project or portions of it. KHRC may consider noncompliance issues when evaluating future MIH applications.

If a grantee elects to do a developer-led project, KHRC would expect the developer to cc the grantee on all communication with KHRC. This is because, whether the grantee elects to do a developer-led project or a city/county-led project, the grantee for MIH funds will always be the city or county awarded. Thus, all final decisions will always have to be made or approved by the grantee before KHRC can implement them.

**3. Do cities that are under 60,000 in population apply directly for the MIH-ARPA funds if their city is in a county over 60,000? Do they have to go through their county?**

Cities under 60,000 population do not have to go through the county. They can apply on their own as a city. More often than not, our applications come from specific cities.

It should also be noted that a county of greater than 60,000 can apply on behalf of a city (or cities) of less than 60,000, if that is the route that they want to go. Douglas County is a recent example: their county population is greater than 60,000; however, the county applied on behalf of Baldwin City and Eudora, two cities smaller than 60,000.

Finally, a county under 60,000 can apply for a county wide project or a project that spans multiple cities.

**4. If you request a loan with MIH-ARPA proposal, can you use it for building construction costs?**

Due to the required December 31, 2026, end date for MIH-ARPA projects, we would rather the applicants request grants over loans under the [MIH-ARPA RFP](#).

If applying for an MIH-ARPA grant, applicants may separately apply for a MIH loan for infrastructure by filling out the following sections of the “MIH Application” tab of the Excel Application:

- Row 8
- Section III
- Section IV: Permanent Financing
- Section V, rows 134-137.
- Section VI: Applicant Agreement

## D. Application Process

**1. Will KHRC honor multiple submissions from a city or county for MIH-ARPA in February?**

No. Per the [MIH-ARPA RFP](#), Section D. Application Process: “Applicants may only submit one MIH-ARPA application per funding round. Each MIH-ARPA application may only include one project. Applications

that include more than one project will not be reviewed.” We believe there is a benefit to having the community make the determination which project is stronger.

A city could apply for one project, and a county could apply for another project in the same city. However, note that Section E. MIH-ARPA Current Funding Priorities include: “An equitable distribution of funds throughout the state...”

There will be at least one more MIH-ARPA funding rounds this year, and MIH-only funding rounds will continue every four (4) months, or three (3) per year. Additional projects can always be submitted in subsequent rounds.

**2. I know only one application can be submitted per round, but does that account for all programs? Can a city submit two applications, one for the regular MIH and the other the MIH-ARPA?**

There are guidelines for submitting multiple applications in the same funding round across multiple programs, including Moderate Income Housing (MIH) and Kansas Housing Investor Tax Credit (KHITC):

- A city or county can submit an MIH application for one project and an MIH-ARPA application for a different project.
- A city or county can apply for MIH and/or MIH-ARPA with an associated KHITC application.
- A builder or developer can submit a KHITC application without an associated MIH or MIH-ARPA application.

**3. How do we submit our Excel Application and other RFP Section F. Application Required Documents?**

KHRC requests that the Excel Application and Section F. Application Required Documents be submitted via electronic upload to Procorem, an online project portal designed to manage documents and tasks from application, to award, and through construction and compliance (if awarded).

We have released a ["How to Apply" video](#) to help walk applicants through the Procorem process. The point of contact(s) listed on your ["Notice of Application"](#) will be sent Procorem WorkCenter account setup instructions.

If you have difficulty or unable to upload the application electronically, please email [MIH@kshousingcorp.org](mailto:MIH@kshousingcorp.org). Applications can be submitted through email; however, if the application is approved, the applicant will be required to move the documents to Procorem.

**4. How can we best name and organize our application files and accompanying documents?**

Please clearly label each section with headers or coversheets that match the consecutive numbering of Section F. Application Required Documents of the RFP. We ask that you follow the following naming conventions in labeling and saving your documents:

- **Excel Application** – "23-02-NameofApplicant-Application.xlsx"
  - Please print, sign, scan, and include your Excel Application as the first attachment with your Application Required Documents below.

- **Application Required Documents** – "23-02-MIH-ARPA-NameofApplicant-RequiredDocuments.pdf"
  - Please submit all Application Required Documents (e.g., attachments, accompanying materials) **as a single, combined, and consecutively numbered PDF document.**

- 5. The RFP states: "Applicants may only submit one MIH-ARPA application per funding round. Each MIH-ARPA application may only include one project. Applications that include more than one project will not be reviewed." How would a project by one developer with multiple locations within the community be viewed (scattered site)?**

Scattered sites, such as seen with infill development, with the same developer would be allowed.

- 6. If we are understanding this correctly, two projects in close proximity to each other with two different developers under the same application would not be allowed?**

Two projects with two different developers would not be allowed.

- 7. Can you do county-wide housing projects?**

Yes, we do accept applications submitted by a county and they can span multiple communities.

## E. MIH-ARPA Current Funding Priorities

- 1. We need some clarification on KHRC's definition of a large-scale project. Would projects that are under 50-units qualify?**

Yes.

- 2. Has a number of units been determined for MIH-ARPA eligibility?**

[MIH-ARPA RFP](#) Section E. MIH-ARPA Current Funding Priorities include: "Larger scale projects." Section C. states "MIH-ARPA funds will be targeted to larger scale projects that can utilize more than the MIH-only award maximum" and "Requested grants or loans should be between \$650,000 and \$3.5 million." It is incumbent upon the applicant to justify their MIH-ARPA request in relation to the number of MIH-ARPA-funded units they are requesting.

## F. Application Required Documents

- 1. For how many years is a housing study considered valid?**

Section F. Application Required Documents 5. Housing Needs Analysis or Survey of the Community of the MIH-ARPA RFP requires that a housing needs assessment or market study be included with your MIH-ARPA application. We will accept a Kansas Department of Commerce Housing Assessment Tool (HAT), a third-party assessment, or other RHID-required assessment.

We prefer that the required housing assessment/market study be completed in the last three (3) years. If all that is currently available is an existing study older than that, we will accept it; however, please

include an addendum to provide updated data and a narrative detailing the current housing needs in your community that the proposed project will address.

**2. How is KHRC envisioning the structure of the supplemental information (Section F. Application Required Document”) when a project applies for both MIH-ARPA and KHITC. How would KHRC like the information organized to make it as easy as possible to assess an application?**

Please include “Common Requirements” attachments in both your MIH-ARPA and your KHITC applications using the numbering scheme provided. Having each section separated by numbered and titled cover sheets is also very helpful.

“MIH-ARPA-specific” and “KHITC-specific” attachments should be included separately using the numbering scheme provided. Again, cover sheets are helpful.

We have released a [“How to Apply” video](#) that details the online document upload process, including naming conventions, to be followed.

**3. We previously applied for MIH. That application was not funded, and we are looking to apply in the next round of funding through the MIH-ARPA category. Will that require a new resolution, or will the old Resolution still be satisfactory?**

Yes, you will need to submit a new resolution.

**4. What is expected in the application to meet Section F. Application Requirement “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.”?**

**Regarding Section F. Application Requirement “2.2.1 Detail about their proposed procurement processes and/or policies.” Is it anticipated the developer will be able to procure their own service providers? What is expected in the application (and from a practical perspective) to meet the requirement?**

The city or county should follow their own sole source, competition impractical, or equivalent, process. For this Section, the applicant should provide a narrative or letter briefly documenting and justifying the procurement process used and the rationale for working with a particular developer. Please attach a copy of your city or county’s policies and/or procedures governing the procurement process utilized.

G. Leveraged Funds

H. RFP Award Process

I. Reporting Requirements

J. Fund Disbursement

K. Disclosure of Relationship

L. Compliance Monitoring

M. ARPA SLFRF Restrictions on Use

Attachment A. RFP Income Target Guidelines

Attachment B: Moderate Income Housing RFP Evaluation Guidelines

Attachment C. Accessibility Requirements

**1. K.S.A. 58-1402 allows for the accessible entrance to be through a garage. KHRC provides the following guidance:**

If the garage is used as the *only* accessible entrance to a dwelling unit, it should have a separate (non-overhead) entrance into the garage, with a minimum 42 inch clear path from the exterior door to the interior door that is not impinged on by a vehicle parked inside the garage. This is to ensure safe access into and out of the dwelling unit if the overhead door becomes inoperable, and regardless of whether there is a vehicle in the garage.

**2. K.S.A. 58-1406 states that the accessibility requirements do not apply to “a private residence which is owner -occupied or which is under contract for occupation by the owner.” KHRC’s interpretation is:**

A dwelling unit which is being constructed for an unidentified future buyer, or for a buyer who has not yet executed a contract for purchase of the home is *not* exempt and must meet the above requirements for accessibility.

Attachment D: Required Documents Checklist