



**KANSAS  
HOUSING**  
RESOURCES CORPORATION

## **Kansas Moderate Income Housing (MIH)**

### **Notice of Resource Availability**

**Deadline: 5:00 PM on Friday, November 22, 2024**

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## 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](http://www.kshousingcorp.org).

One such KHRC program is the Moderate Income Housing (MIH) Program funded through the State Housing Trust Fund (SHTF). The SHTF is a statutorily created fund with the stated purpose of supporting housing programs and services. While limited in resources, KHRC has historically utilized the SHTF 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 housing programs. KHRC intends to allocate these funds by conducting multiple application rounds throughout the year, including this current MIH NORA.

## B. Administration

The primary contacts for the MIH Program are:

<b>Deanne Engstrom</b>	<b>Brina Nold</b>
MIH Program Manager	MIH Processor
<a href="mailto:dengstrom@kshousingcorp.org">dengstrom@kshousingcorp.org</a>	<a href="mailto:bnold@kshousingcorp.org">bnold@kshousingcorp.org</a>
785-217-2048	785-217-2004

General MIH questions can be directed to [MIH@kshousingcorp.org](mailto:MIH@kshousingcorp.org).

## C. MIH Overview

Kansas communities and employers continue to identify a growing need for affordable moderate-income housing, defined for purposes of this Notice of Resource Availability (NORA) as housing for households between 60 and 150 percent of HUD's Area Median Income, as published annually by the U.S. Department of Housing and Urban Development. Attachment A to this NORA details current MIH income targeting based on the number of household members. Housing for moderate income households is vital for economic development, yet difficult to achieve given that most federal housing programs serve a lower income bracket, and market supply is limited due to high development costs, low appraisals, tight lending conditions, and lack of investor interest.

KHRC is seeking quality applications for moderate income housing developments that will provide the best investments of state resources across the state of Kansas. Grants will be approved based on a demonstrated and ongoing housing need, demonstrated capacity to administer the proposed development, and a complete application.

**Under this MIH NORA, KHRC will make approximately \$7 million in grants to cities or counties for moderate income housing development in rural areas.** Further definitions of these terms follow.

This NORA contains information on eligible applicants and activities, application procedures, award criteria, grant structuring, and reporting and compliance monitoring requirements. A separate Frequently Asked Questions (FAQ) document, posted and updated on the MIH webpage, as needed, provides further guidance regarding these requirements, and is incorporated by this reference.

Applicants should be aware and understand that this MIH NORA and any awards are funded in whole or in part by State of Kansas funds provided through state legislation. In the event the State funds supporting this NORA or subsequent award become unavailable, are reduced, or rescinded, KHRC may terminate or amend this NORA and application without penalty and will not be obligated to pay the applicant from any other sources, including KHRC, SHTF, or State of Kansas monies.

### ***Eligible Applicants***

Applications for MIH funding under this NORA will be accepted from eligible city or county governmental entities. For the purposes of this NORA 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, builders, local employers and private or nonprofit consultants. Notwithstanding the preceding sentence, the applicant cities and counties shall retain full responsibility for compliance with all NORA rules and requirements and may need to provide additional information to KHRC regarding any partnerships or contracts to ensure compliance with procurement requirements, as detailed below. A contract or MOU between the applicant city or county and any builder/developer, owner or consultant shall be submitted with the application, and must provide detailed information regarding expectations of and compensation to those parties.

## ***Eligible Activities***

Under this MIH NORA, applicants may only use funds for:

- 1) Actual housing development, as detailed below.
  - a. Acquisition of real property.
  - b. Hard costs of new construction.
  - c. Modular or manufactured housing on a permanent foundation.
  - d. Rehabilitation of existing vacant uninhabitable housing.
  - e. Conversion from non-residential to residential use.
  
- 2) Down payment assistance to enable MIH-eligible households to purchase newly constructed with or without MIH assistance provided to the development of those homes.
  
- 3) Infrastructure, as detailed below.
  - a. Offsite Infrastructure: This includes but is not limited to any costs for off-site improvements, extension of streets, sidewalks, storm drainage systems, sewer and water lines or other utilities.
  
  - b. Onsite Infrastructure: Certain general improvements to create a buildable or build-ready site for multiple residential buildings, including but not limited to on-site paving that does not serve one specific address (e.g., paving of a cul-de-sac, sidewalks or walking paths for common use or to access multiple units, shared parking lots etc.); general site clearing and grading to prepare the site for multiple buildings; and extension or installation of water and sewer lines or other utilities across the site to serve multiple dwelling units.

Kansas Accessibility Standards K.S.A. Chapter 58, Article 14 and/or HUD Fair Housing Design Requirements apply to all MIH-assisted development (see Attachment C).

This NORA has been structured to allow flexibility to applicants in developing proposed activities within the definitions laid out above. Applicants should demonstrate that proposed developments have ties to economic development, with leveraged funds from both private and public sources, preferably for MIH needs.

**Grants will be limited to no more than \$650,000 per awardee.** For rental projects, applicants must complete the proforma in the application that supports the requested grant.

## Application Process

The deadline to submit applications under this NORA is **5:00 PM on Friday, November 22, 2024**.

Please submit applications through the online platform Procorem. Information regarding applying through Procorem is located on KHRC's MIH webpage and in the MIH FAQs. Any applicant intending to apply for MIH must submit a Notice of Application by **Friday, October 25, 2024**, to ensure Procorem access by the application deadline. KHRC staff will set up a Procorem WorkCenter for the application submission.

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

Please see the Notice of Funds Availability for submitting multiple applications in the same funding round for KHRC's Moderate Income Housing programs including the Moderate Income Housing (MIH) grant, Kansas Housing Investor Tax Credit (KHITC), and Revolving Loan Funds (RLF).

## D. Current Priorities

Housing needs in Kansas are great. In an effort 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:

- 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 that have difficulty filling employment positions due to a lack of housing stock;
- Applicants that applied for MIH in a previous round and have substantially improved their application, or were unable to be funded due to limited resources;
  - application is for the same development that was previously applied for, and application was evaluated by KHRC at that time as fundable.

## E. Application Required Elements

Each application requires submission of all required documents (see also Attachment E. Required Elements Checklist). Each applicant will be responsible for any costs incurred in preparing an application. All applications shall include the following:

## **Common Required Elements for all MIH and KHITC Applications:**

- 1. Excel Application** – signed by city or county representative who is authorized to do so by the governing body.
- 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.** Scope of work, if proposing a rehabilitation project (Only vacant, uninhabitable projects are eligible for rehabilitation.)
  - 3.4.** Ten-year operating proforma for rental projects; must be submitted using the KHRC template that is included in the Excel application workbook.
  - 3.5.** Description of the project's intended market and anticipated pricing for the housing.
- 4. Source of Funds**
  - 4.1.** Conditional commitment letters from all funding sources
  - 4.2.** RHID or Neighborhood Revitalization Plan documentation, if applicable
  - 4.3.** Investment and/or equity confirmation including the pay-in structure, fees, and investment requirements.
- 5. Housing Needs Analysis or Survey of the Community**
  - 5.1.** Summary connecting proposed qualified housing project and housing needs of the community.
  - 5.2.** Housing Needs Analysis or Survey. Examples include: Department of Commerce Housing Assessment Tool (HAT), third-party housing needs or market assessment, or RHID-required assessment.
- 6. Community Support**
  - 6.1.** Signed resolution from Governing Body.
- 7. Accessibility Certification (KHRC Form)**
  - 7.1.** Comply with the Kansas Accessibility Standards identified in K.S.A. 58-1401, et seq., and/or HUD Fair Housing Design Requirements, as applicable.
- 8. Site Review Checklist (KHRC Form)**

## **Required Documents for MIH-specific Applications:**

### **9. Development Team Information**

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

**9.1.1.** Detail about their proposed procurement processes and/or policies, or

**9.1.2.** Resumes for each member of the development team.

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

**9.2.1.** Detail about their proposed procurement processes and/or policies.

**9.2.2.** Resumes for each potential member of the development team, if known.

### **10. Additional Development Information**

**10.1.** Evidence of site control

**10.2.** Proof of proper zoning or a documentation of the process leading to a zoning change.

**10.3.** Legal description of site

### **11. Leveraged Funds**

**11.1.** Letters of Intent, Approval Confirmations, and/or supporting documentation

### **12. Job Creation and Economic Development**

**12.1.** Narrative – the Narrative should address how the proposed housing development provides a solution to the unmet job creation and economic development needs of the region.

**12.1.1.** Demonstrate through low unemployment rate, commuter rates, difficulty filling employment positions, and commitment to growing housing stock.

**12.1.2.** Describe the ability to attract new jobs and economic development 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.

**12.1.3.** What other housing activities are happening to meet these job creation and economic development needs?

**12.1.4.** Supporting documentation

### **13. Energy Certification (KHRC Form)**

**13.1.** All MIH awarded new construction projects must build to the list of minimum prescriptive energy requirements listed on the Energy Certification Form.

**13.2.** Rehabilitation or conversion of existing structures must meet these requirements to the greatest extent possible, including replacement of any components.

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



## **F. Leveraged Funds**

KHRC will consider leveraged funds or other resources (in-kind contributions, waived or reduced fees and taxes, donated resources, etc.) when evaluating applications. For evaluation purposes, KHRC will review the appropriate amount of MIH funding in relation to the size and scope of the development.

## **G. Application 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, may be 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 Application Evaluation Guidelines (Attachment B) will be used in the evaluation of the applications in KHRC's sole discretion.

KHRC may disqualify applications based on an applicant making misrepresentations or providing materially false information in an application, and/or for submitting a substantially incomplete application.

The review team will make a recommendation for action on the request 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 by early March 2025.

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

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

MIH 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 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. 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.

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.

## **H. Reporting Requirements**

**Beginning with the first business day of the quarter following an award being made to an applicant and continuing each quarter thereafter, the recipient shall submit, in writing, quarterly status reports to KHRC until the development is completed and all funds have been expended.** The status report shall detail any use of funds to date, describe progress toward completion of the proposed development (including where there is no change from the previous reporting period), and detail any changes or deviation from the approved activities.

If a recipient 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 a minimum of 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 in addition to the other agreement documents required (as applicable).

When the development has been completed and all funds have been expended, recipients 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 funded through grants within 60 days of development completion, and a summary of the continued economic development and job creation.

## **I. Fund Disbursement**

Before funds are disbursed by KHRC, the recipient must submit a cover letter requesting the funds with proper supporting documentation. The funds will be distributed as a reimbursement in accordance with the approved Disbursement Schedule so long as recipient is in compliance with the KHRC grant agreement. KHRC may request additional documentation, as needed, and may visit the development site to ensure work completion.

## **J. Disclosure of Relationship**

Applicants must 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.

## **K. Compliance Monitoring**

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

Recipients approved for rental developments must submit tenant income information for five years to KHRC's Housing Compliance Division. Recipients must submit the KHRC compliance form annually for the five-year compliance period, as well as any other documentation requested by KHRC.

Recipients 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 housing costs are 30% or less of the household's income.

# ATTACHMENT A:

## MIH Income Target Guidelines

# KANSAS HOUSING

## Moderate Income Housing Income Range

### HUD's FY 2024 Income Limits

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
150%	\$ 100,200	\$ 114,450	\$ 128,700	\$ 142,950	\$ 154,500	\$ 165,900	\$ 177,300	\$ 188,700
100%	\$ 66,800	\$ 76,300	\$ 85,800	\$ 95,300	\$ 103,000	\$ 110,600	\$ 118,200	\$ 125,800
60%	\$ 40,080	\$ 45,780	\$ 51,480	\$ 57,180	\$ 61,800	\$ 66,360	\$ 70,920	\$ 75,480

Based upon HUD's FY 2024 State Income Limits

*The above table is based on HUD's statewide income limits for 2024. Income limits are updated annually, and the most current limits are to be used at the time of occupancy.*

*Where the county limits for a 60% household are lower, those lower limits may be used. [HUD's FY 2024 County Income Limits are available online on our website.](#)*

*\*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 as a substitute for housing resources, such as the Low Income Housing Tax Credit program that are targeted to lower income household.*

## **ATTACHMENT B:**

### **Kansas Moderate Income Housing APPLICATION EVALUATION GUIDELINES**

KHRC and the Director of Housing will consider the following when evaluating applications for grant or loan funds under the Kansas Moderate Income Housing (MIH) NORA:

#### **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 NORA requirements
- d. If a resubmission, evidence of improved application and/or corrected deficiencies from the previous submission.

#### **2. Project Information**

- a. Comprehensiveness of project description and organizational structure
- b. Ability to utilize Moderate Income Housing Program funds
- c. Housing development experience and qualifications
- d. Readiness to proceed
- e. 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 rental operating proforma, if applicable.
- b. Indication of target market and anticipated pricing for housing
- c. Prioritizes moderate income housing needs of community

#### **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. Submission of full Housing Needs Analysis or Survey of the Community
- b. Clear, quantifiable housing needs identified for the target community
- c. Demonstrates the proposed project addresses the identified housing needs

**6. Community Support**

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

**7. Accessibility Certification**

- a. Included, completed, and signed by city/county representative

**8. Site Review Checklist**

- a. Included, completed, and signed by city/county representative

**9. RHID (If applicable)**

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

**10. Development Team Information**

- a. Submission of full development team information
- b. For applicants and/or development team members 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
- c. Previous responsiveness to requests for information

**11. Additional Development Information**

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

**12. Leveraged Funds**

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

**13. Job Creation and Economic Development**

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

**14. Energy Certification**

- a. Included, complete, and signed by city/county representative

# **ATTACHMENT C:**

## **ACCESSIBILITY REQUIREMENTS**

### **Introduction**

Two statutory authorities related to accessibility apply to housing developed with these resources.

### **Fair Housing Act Design Requirements – Fair Housing Amendments Act of 1988**

The accessibility requirements of the Fair Housing Act apply to “covered multifamily dwellings” in buildings of four or more units that are/were first occupied after March 13, 1991, regardless of the funding source. Ground floor units and units served by an elevator must be designed and constructed in accordance with the [Fair Housing Act Design Manual](#).

### **Kansas Accessibility Requirements at K.S.A. Chapter 58 Article 14**

The requirements of this Kansas statute apply to buildings of one, two or three units (single family, duplex, triplex) that are constructed with public financial assistance, including grant assistance from state funds, state tax credits, state loan guarantees or federal funds administered by a state agency.

### **Design and construction standards.**

- (a)** Dwelling 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 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.

**Not applicable to certain dwellings.** The provisions of this act shall not apply to any dwelling which is owner-occupied or which is under contract for occupation by the owner.

It is KHRC's determination that the above exemption does not apply to 'spec' houses, those constructed without an identified purchaser under contract at the time construction begins.



## **ATTACHMENT D:**

### **ENERGY REQUIREMENTS**

All MIH awarded new construction projects must build to the below list of minimum prescriptive energy requirements. Rehabilitation or conversion of existing structures must meet these requirements to the greatest extent possible, including replacement of any components.

1. Attic insulation – R49 except for vaulted ceilings
2. Wall insulation – R15
3. Footing insulation – R10 to footing depth
4. AC – 15 SEER
5. 95% of all lighting must be high efficiency
6. Gas furnace – 90% AFUE
7. Heat Pump - 8.5 HSPF
8. Windows - .33U factor or lower
9. Caulking/sealing of all penetrations to the exterior or unconditioned space required (wire and plumbing penetrations, ceiling registers, vent pipes, etc.).
10. All provided appliances, if available as such, must be Energy Star labeled.

## ATTACHMENT E:

### Required Elements Checklist

#### 2024 MIH Application Required Elements Checklist

- 1. Excel Application
- 2. Project Information - Narrative
- 3. Project Plan
- 4. Source of Funds
- 5. Housing Needs Analysis or Survey of the Community
  - Clear, quantifiable housing needs identified
- 6. Community Support
  - Clear, quantifiable housing needs identified
- 7. Accessibility Certification (KHRC Form)
- 8. Site Review Checklist (KHRC Form)
- 9. Development Team Capacity
- 10. Additional Development Information
  - Site control, zoning, legal description, etc.
- 11. Leverage Funds
  - Letters of Intent, Conditional Commitment Letters, etc.
- 12. Job Creation and Economic Development
- 13. Energy Certification (KCRC Form)