Indiana Housing & Community Development Authority

MINUTES AND MEMORANDA OF A MEETING OF THE BOARD OF DIRECTORS OF INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

Held: June 24, 2021

A regular meeting of the Board of Directors of the Indiana Housing and Community Development Authority ("IHCDA" or "Authority") was held on Thursday, June 24, 2021 at 10:00 a.m. telephonically.

The following individuals were present telephonically: Jodi Golden (Lieutenant Governor designee); Indiana Treasurer of State Kelly Mitchell; Mark Pascarella (Indiana Public Finance Director designee); Board Member J. June Midkiff; Board Member G. Michael Schopmeyer; Board Member Andy Place, Sr.; J. Jacob Sipe (IHCDA Executive Director); members of the staff of the Lieutenant Governor, members of the staff of the Authority, and the general public. Board Member Tom McGowan was not in attendance.

Jodi Golden served as Chair of the meeting and upon noting the presence of a quorum, called the meeting to order. Shenna Robinson served as Secretary.

I. Approval of Minutes

A. Meeting Minutes

A motion was made by Kelly Mitchell to approve the May 27, 2021 Meeting Minutes, which was seconded by G. Michael Schopmeyer and the following Resolution was unanimously approved:

> **RESOLVED**, the Minutes of the Board meeting held on May 27, 2021 are hereby approved to be placed in the Minute Book of the Authority.

II. Real Estate Department

A. Bond Volume/4% Credits – Bloomington RAD II

Chairperson Golden recognized Peter Nelson, who presented Bond Volume/4% Credits – Bloomington RAD II.

Background:
IHCDA is empowered to act as the housing credit agency for the State to administer, operate, and manage the allocation of the Internal Revenue Service Section 42 low-income housing tax credit (LIHTC) program. The purpose of the LIHTC is to provide an incentive for private developers and investors to provide more affordable rental housing. This may be accomplished by new construction and rehabilitation of existing structures.

Process:
On January 1, 2021, IHCDA began the 2021A-B bond round for multi-family bond volume. The 1st application received and reviewed represented a total development cost of $54,032,857 with $30,000,000 in bond volume and $2,350,461 in LIHTC annually for 10 years to preserve 204 units of affordable housing.

Brinshore Development, LLC and the Bloomington Housing Authority are proposing the rehabilitation of a 54-building public housing project in Bloomington. The project consists of one and two-story townhomes and flats with one, two, three, and four-bedroom units. The scope of rehabilitation includes increasing accessibility standards, new roofing, HVAC systems, flooring, cabinets, and appliances. The site is within one mile from many community amenities including a local park, gym, banking, grocery, and a Boys and Girls Club. The Development Summary Sheet is attached hereto as **Exhibit A**.

During the round, the Real Estate Department staff reviewed the application to ensure it met the criteria set forth in the 2020-2021 Qualified Allocation Plan.

Key Performance Indicators

2021 Bond Approvals

Location	# Affordable Units	Construction Type	Development Type
Whitestown	264	New Construction	Family
Gary	142	Rehabilitation	Age-Restricted
New Castle & Indianapolis	114	Rehabilitation	Family
Total Units:	520		

Following discussion, a motion was made by Andy Place to approve awarding $30,000,000 in bond volume and $2,350,461 in annual LIHTC to Bloomington RAD II, LP for Bloomington RAD II according to the terms of the 2021A-B Application Round. The motion was seconded by J. June Midkiff. The motion passed unanimously.

> **RESOLVED**, that the Board approve awarding $30,000,000 in bond volume and $2,350,461 in annual LIHTC to Bloomington RAD II, LP for Bloomington RAD II according to the terms of the 2021A-B Application Round, as recommended by staff.

B. Bond Volume/4% Credits – Misty Glen Apartments

Chairperson Golden recognized Peter Nelson, who presented the Bond Volume/4% Credits – Misty Glen Apartments.

Background:
IHCDA is empowered to act as the housing credit agency for the State to administer, operate, and manage the allocation of the Internal Revenue Service Section 42 low-income housing tax credit (LIHTC) program. The purpose of the LIHTC is to provide an incentive for private developers and investors to provide more affordable rental housing. This may be accomplished by new construction and rehabilitation of existing structures.

Process:
On January 1, 2020, IHCDA began the 2020A-B bond round for multi-family bond volume. The 21st application received and reviewed represented a total development cost of $10,960,709 with $7,700,000 in bond volume and $474,405 in LIHTCs annually for 10 years to rehabilitate 114 units of affordable housing.

On January 1, 2021, IHCDA began the 2021A-B bond round for multi-family bond volume. The 6th application received and reviewed represented a total development cost of $9,364,646 with $6,500,000 in bond volume and $309,748 in LIHTC annually for 10 years to preserve 80 units of affordable housing.

Flaherty & Collins Development LLC is proposing the rehabilitation of an existing tax credit project in Hebron. The project is five buildings containing one, two, and three-bedroom units. The scope of rehabilitation includes new paving and drainage of exterior areas, new roofing, updated heating and cooling systems, new appliances, fixtures and finishes, and work to increase accessibility standards. Site amenities include a playground, clubroom, computer room and fitness center. The site is located in close proximity to local amenities such as a pharmacy, daycare, restaurants, and retail shops. The Development Summary Sheet is attached hereto as **Exhibit B.**

During the round, the Real Estate Department staff reviewed the application to ensure it met the criteria set forth in the 2020-2021 Qualified Allocation Plan.

Key Performance Indicators

2021 Bond Approvals

Location	# Affordable Units	Construction Type	Development Type
Whitestown	264	New Construction	Family
Gary	142	Rehabilitation	Age-Restricted
New Castle & Indianapolis	114	Rehabilitation	Family
Total Units:	520		

Following discussion, a motion was made by J. June Midkiff to approve awarding $6,500,000 in bond volume and $309,748 in annual LIHTC to Misty Glen 2021 LLC for Misty Glen Apartments according to the terms of the 2021A-B Application Round, as recommended by staff. The motion was seconded by G. Michael Schopmeyer. The motion passed unanimously.

> **RESOLVED**, that the Board that the Board approve awarding $6,500,000 in bond volume and $309,748 in annual LIHTC to Misty Glen 2021 LLC for Misty Glen Apartments according to the terms of the 2021A-B Application Round, as recommended by staff, as recommended by staff.

C. Bond Volume/4% Credits – Douglas Pointe III Apartments

Chairperson Golden recognized Alan Rakowski, who presented Bond Volume/4% Credits – Douglas Pointe III Apartments.

Background
IHCDA is empowered to act as the housing credit agency for the State to administer, operate, and manage the allocation of the Internal Revenue Service Section 42 low-income housing tax credit (LIHTC) program. The purpose of the LIHTC is to provide an incentive for private developers and investors to provide more affordable rental housing. This may be accomplished by new construction and rehabilitation of existing structures.

Process
On January 1, 2021, IHCDA began the 2021A-B bond round for multi-family bond volume. The 4th application received and reviewed represented a total development cost of $9,122,648 with $6,700,000 in bond volume and $343,086 in LIHTCs annually for 10 years to preserve 64 units of affordable housing.

Flaherty & Collins Development LLC is proposing the rehabilitation of an existing tax credit project in Hammond. The project is four buildings, each with 16 two-bedroom units. The rehabilitation scope of work includes sitework and drainage, roofing, door and window replacements, updated heating and cooling systems, accessibility updates, and updated unit appliances, fixtures, and finishes. This scope will dramatically increase the desirability and marketability of the already fully occupied property. The Development Summary Sheet is attached hereto as **Exhibit C**.

During the round, the Real Estate Department staff reviewed the application to ensure it met the criteria set forth in the 2020-2021 Qualified Allocation Plan.

Following discussion, a motion was made by Andy Place, Sr. to approve awarding $6,700,000 in bond volume and $343,086 in annual LIHTC to Douglas Pointe 2021 LLC for Douglas Pointe III Apartments according to the terms of the 2021A-B Application Round, as recommended by staff. The motion was seconded by G. Michael Schopmeyer. The motion passed unanimously.

RESOLVED, that the Board approve awarding $6,700,000 in bond volume and $343,086 in annual LIHTC to Douglas Pointe 2021 LLC for Douglas Pointe III Apartments according to the terms of the 2021A-B Application Round, as recommended by staff.

D. Bond Volume/4% Credits – Emerald Pointe Apartments

Chairperson Golden recognized Alan Rakowski, who presented Bond Volume/4% Credits – Emerald Pointe Apartments.

Background
IHCDA is empowered to act as the housing credit agency for the State to administer, operate, and manage the allocation of the Internal Revenue Service Section 42 low-income housing tax credit (LIHTC) program. The purpose of the LIHTC is to provide an incentive for private developers and investors to provide more affordable rental housing. This may be accomplished by new construction and rehabilitation of existing structures.

Process
On January 1, 2021, IHCDA began the 2021A-B bond round for multi-family bond volume. The 5th application received and reviewed represented a total development cost of $17,029,624 with $17,000,000 in bond volume and $674,946 in LIHTC annually for 10 years to preserve 168 units of affordable housing.

Flaherty & Collins Development LLC is proposing the rehabilitation of an existing tax credit project in South Bend. The project consists of 12 buildings and includes one, two, and three-bedroom units. The property will receive new paving and drainage, new roofs, accessibility site and unit work, updated heating and cooling systems, and updated unit appliances, fixtures, and finishes. Additionally, Emerald Pointe is surrounded by amenities including medical centers, restaurants, retail stores, a pharmacy, and athletic center. The site is also served by South Bend's bus transit system. The Development Summary is attached hereto as **Exhibit D**.

During the round, the Real Estate Department staff reviewed the application to ensure it met the criteria set forth in the 2020-2021 Qualified Allocation Plan.

Following discussion, a motion was made by Kelly Mitchell to awarding $17,000,000 in bond volume and $674,946 in annual LIHTC to Emerald Pointe 2021 LLC for Emerald Pointe Apartments according to the terms of the 2021A-B Application Round, as recommended by staff. The motion was seconded by J. June Midkiff. The motion passed unanimously.

RESOLVED, that the Board approve awarding $17,000,000 in bond volume and $674,946 in annual LIHTC to Emerald Pointe 2021 LLC for Emerald Pointe Apartments according to the terms of the 2021A-B Application Round, as recommended by staff.

E. HOME Community Housing Development Organization Predevelopment Loans – Community Action Program, Inc. of Western Indiana and Blue River Services

Chairperson Golden recognized Holly Lester, who presented HOME Community Housing Development Organization Predevelopment Loans – Community Action Program, Inc. of Western Indiana and Blue River Services.

Background
The HOME Investment Partnerships Program ("HOME") can be used to develop affordable housing for low-income households. HOME provides funding for new construction and rehabilitation of homebuyer and rental projects and can also be used for predevelopment activities of Community Housing Development Organizations ("CHDOs"). CHDOs are IHCDA-certified not-for-profit housing organizations that meet HOME regulations related to CHDOs. The HOME regulations define two types of Predevelopment loans available to CHDOs – Site Control loans, which are to be used when the site has not been acquired to assist CHDOs in the early stages of development and Seed Money loans, which may be accessed once the site has been acquired to cover pre-construction costs. The maximum any eligible CHDO may request for either loan, per project, is $30,000.

Process

The IHCDA Real Estate Department accepts applications to the CHDO Predevelopment Loan Fund on a rolling basis until funds set aside for CHDO activities have been expended. Staff reviews each application to ensure the proposed costs are eligible under the HOME regulations and the organization meets the federal definition of a CHDO.

The interest rate on the loan is 0% with a repayment term of 24 months. The loan may be repaid from a construction loan or other project income. As per HOME guidelines, IHCDA may forgive the loan, in whole or in part, if there are impediments to project development which IHCDA determines are reasonably beyond the control of the CHDO.

Development Summaries

Blue River Services

Blue River Services is requesting a $20,000 CHDO Predevelopment loan that will assist with fees, a market study, and gaining site control for a rental new construction development in Carefree, IN.

This development, for which it plans to apply for funding in future HOME application rounds, would bring 10 units of much needed affordable housing for residents of Crawford County.

Community Action Program, Inc. of Western Indiana

Community Action Program, Inc. of Western Indiana ("CAPWI") is requesting a $30,000 CHDO Pre-development loan that will assist with architectural plans, and site surveys for its Attica 2021 development, a new construction rental development in Attica, IN.

This development would provide 9 new units of affordable housing in Attica, Indiana. CAPWI is requesting a $30,000 predevelopment seed money loan.

TABLE A

Project Name	Award Number	HOME Requested	HOME Recommended	Location	Applicant	Activity
Carefree Meadows	PD-020-007	$20,000	$20,000	Carefree, Indiana	Blue River Services	Site Control
Attica 2021	PD-020-008	$30,000	$30,000	175 Avenue 5 Attica, IN 47918 539 Avenue 7 Attica, IN 47918 545 Avenue 7 Attica, IN 47918 604 E Summit St Attica, IN 47918	Community Action Program, Inc. of Western Indiana	Seed Money
		TOTAL:	**$50,000**			

Key Performance Indicators

IHCDA will track the following Key Performance Indicators regarding CHDO Pre-Development Loans:

1. Track the utilization of this resource by our CHDO partners as it relates to our increased outreach and efforts to increase the number of IHCDA certified CHDOs.
2. Track the percentage of HOME projects utilizing Predevelopment Loans that are successful in their HOME applications.

Following discussion, a motion was made by Andy Place, Sr. to approves awarding HOME CHDO Predevelopment Loans in an aggregate amount not to exceed $50,0000.00 to the applicants, as set forth in Table A, as recommended by staff. The motion was seconded by G. Michael Schopmeyer. The motion passed unanimously.

> **RESOLVED**, that the Board approves awarding HOME CHDO Predevelopment Loans in an aggregate amount not to exceed $50,0000.00 to the applicants, as set forth in Table A, as recommended by staff.

F. Anchor Employer Workforce Housing Demonstration Program- Kosciusko Development Land Trust Board Memo

Chairperson Golden recognized Samantha Spergel, who presented Anchor Employer Workforce Housing Demonstration Program- Kosciusko Development Land Trust Board Memo.

Background

A lack of affordable workforce housing is a growing problem for employers and the talent they are looking to retain or attract. When businesses consider relocating or expanding operations, the access to a robust and skilled workforce is a key determinant as to where and if they can grow. One factor that impedes accessing and attracting talent is a lack of affordable housing. To retain or attract the appropriate talent that employers need, housing must be available to support and house their workforce.

Indiana is currently facing a lack of affordable, entry-level housing in many communities across the state. Indiana's unemployment rate remains below the national average. Employers in many communities have more open positions than people to fill them and do not have sufficient housing available to attract new residents into those communities.

In response to this issue, in 2019 Indiana Housing and Community Development Authority ("IHCDA") launched the Anchor Employer Workforce Housing Demonstration Program (the "Program") to create public-private partnerships with anchor employers to invest in workforce housing. For the purposes of this program, anchor employers are defined as employers that have operated within the target geography for a minimum of five years and are one of the top ten employers in the target geography by total employment (excluding government and education institutions).

IHCDA released a Request for Proposals ("RFP") to select eligible anchor employers on June 3, 2019 to invest up to $4,000,000 of non-Federal IHCDA funds to Indiana anchor employers (with a maximum of $1,000,000 to any one selected employer) to promote workforce housing. As required under the RFP, each selected employer must agree to either match or exceed IHCDA's investment.

Four anchor employers were selected through the RFP and were required to participate in a collaborative workshop in November of 2019. Each team has continued to participate in monthly meetings to report progress and move towards implementation.

IHCDA and the employer will enter into an agreement that describes the terms of their respective investments. The terms stipulated for each party's investment will be the same, including project risk and return. In no event will IHCDA's share of risk exceed its initial investment.

Summary of Project

The Kosciusko Development Land Trust ("KDLT"), an Indiana non-profit corporation, will serve as the Revolving Loan Fund ("RLF") Coordinator.

Advances will be limited to land acquisition costs (not to exceed the appraised value) and some predevelopment costs as defined in Borrower's loan policy to support the production of workforce housing in Kosciusko County. The fund may support projects proposing either rental units or units for purchase. Projects may involve either rehabilitation, adaptive reuse or new construction.

Kosciusko Economic Development Corporation will lead outreach in communities throughout Kosciusko County (e.g., identify potential sites, build project teams). Kosciusko Workforce Housing Corporation ("KWHC") will provide project management (e.g., completion of due diligence) and will prepare loan applications for funding approval.

Underwriting will be completed by HPG Network. Requests for funding will be considered by the Project Review Committee ("KDLT"), which will consist of the five-member KDLT board of directors and four at-large members appointed by the Kosciusko County Housing Steering Committee.

Zimmer Biomet, the Anchor Employer partner, will provide their match as a Deficiency Guaranty to the program.

Financial Investment Structure
IHCDA will support an open revolving line of credit with KDLT. The open revolving line of credit distributions are to be made to cover incurred costs. KDLT may submit monthly claims to IHCDA according to the agreed terms and schedule.

Proceeds from Sale: The following "waterfall" describes the distribution of proceeds, to the extent available from the sale of property.

1) A 2% fee to Borrower for administering the credit facility
    a. Repayment of IHCDA credit facility advances to the RLF. Any remaining funds flow to the developer and IHCDA to offset deficiencies, if any, from previous transactions.
    b. Any remaining funds shall be placed into an account held by Borrower, with restrictions indicating that the money may be used for the aforementioned allowable costs to support workforce housing production.

Proceeds are to be used for allowable costs related to building (not maintaining) workforce housing in Kosciusko County, Indiana, under the Anchor Employer Housing Initiative program. The Term Sheet for the Revolving Line of Credit is attached hereto as **Exhibit E.**

Following discussion, a motion was made by J. June Midkiff to approve awarding an open revolving line of credit in an amount not to exceed $1,000,000 to Kosciusko Development Land Trust under the Anchor Employer Workforce Housing Demonstration Program, as recommended by staff. The motion was seconded by Kelly Mitchell. The motion passed unanimously.

> **RESOLVED**, that the Board approve awarding an open revolving line of credit in an amount not to exceed $1,000,000 to Kosciusko Development Land Trust under the Anchor Employer Workforce Housing Demonstration Program, as recommended by staff.

G. Emergency Housing Voucher Program

Chairperson Golden recognized Jeff Zongolowicz, who presented Emergency Housing Voucher Program.

Background
The recently passed American Rescue Plan Act of 2021 created the Emergency Housing Voucher ("EHV") program to provide vouchers to Public Housing Authorities to assist households experiencing homelessness or at risk of experiencing homelessness, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. The U.S. Department of Housing and Urban Development ("HUD") has provided IHCDA with 323 vouchers for the EHV program. Eligible households must be referred to the EHV program through the local Coordinated Entry ("CE") system. IHCDA will enter into a MOU with the Indiana Balance of State Continuum of Care ("BoS CoC") to outline the referral process and partnership for the EHV program. Funding for the program will be available July 1, 2021. IHCDA has until September 30, 2023 to utilize the allocated vouchers. After September 30, 2023 households already receiving assistance through EHV will continue to receive assistance for as long as they remain eligible.

In addition to providing rental assistance HUD has also provided IHCDA with $1,130,500 to provide housing search services to EHV participants. Services will include security deposit assistance, application fee assistance, landlord incentive payments, as well as other services outlined in **Exhibit F** .

Process
Following the passage of the American Rescue Plan Act on March 11, 2021 HUD issued Notice PIH 2021-15 outlining the rules and regulations for the EHV program on May 5, 2021. IHCDA was given a deadline to accept or deny its voucher allocation for the program. IHCDA notified HUD on May 11, 2021 that it would accept its allocation of 323 vouchers and up to 77 additional vouchers in the event other Indiana PHA(s) denied their allocation(s).
Following IHCDA's acceptance of the EHV allocation IHCDA began discussions with the BoS CoC regarding the referral process. A formal MOU was approved by the BoS CoC at its June 17th board meeting, a copy is attached hereto as **Exhibit G**. Additionally, IHCDA staff has prepared an amendment to the HCV administrative plan to create policies for the EHV program. The following exhibits are included with this board memo:

- Exhibit F- Chapter 18 of the IHCDA HCV Administrative Plan
- Exhibit G- EHV MOU between IHCDA and the Indiana BoS CoC

Following discussion, a motion was made by Andy Place, Sr. to approve the attached amendment to the 2021 IHCDA administrative plan, as recommended by staff. The motion was seconded by G. Michael Schopmeyer. The motion passed unanimously.

> **RESOLVED**, that the Board approve the attached amendment to the 2021 IHCDA administrative plan, as recommended by staff.

III. Community Programs

A. Individual Development Account Program Administrator Approval

Chairperson Golden recognized Veronica Watson, who presented Individual Development Account Program Administrator Approval.

Background:
The Individual Development Account Program ("IDA") is a matched savings program designed to assist low-income families in developing personal finance skills and building assets. Indiana's program was established in 1997 pursuant to IC 4-4-28 and is one of the oldest asset building programs in the country.

The IDA program is supported by state funding, which is allocated to community development corporations ("CDCs") in Indiana as set forth in IC 4-4-28-2. The CDCs are charged with program administration, training, technical assistance, and participant recruitment. They are awarded program funds to use as match for participant savings. Participants save money to make a qualified asset purchase which could include education, job training, home purchase, owner occupied repair, a vehicle purchase, and small business development or expansion, as outlined in IC 4-4-28-16.

Administrators also receive an administrative fee equal to $500 multiplied by the number of IDA accounts they are awarded the administrative funds are dispersed on a reimbursement basis. Administrators also have access to an additional $250 for participants who successfully complete the program.

Participants have, on average, three years to save a maximum of $1,500 (average of $500 per year) and are matched $3 for every $1 saved, with a maximum contribution of $4,500 from the program. The income levels of eligible participants may not exceed 200 percent of the federal poverty level and participants must make a commitment to deposit funds into their IDA regularly. Additionally, participants must complete financial literacy and asset-specific goal training before utilizing any matching funds.

Key Performance Indicators

- IDA015 was the last round to close (September 2020); in this round, subgrantees opened 235 accounts and 140 accounts were ultimately used for an asset purchase (60%).

- IDA016 is the next round to close (September 2021); in this round, subgrantees have opened 301 total accounts and to-date 118 accounts have been used for an asset purchase (40%). IHCDA staff are confident that the number of successful asset purchases will increase significantly in the last three months of the program round.

Process:
IHCDA staff accepted IDA Administrator applications for a period of four weeks starting in mid-March. The applications included information regarding applicants' previous experience with the IDA program or related programs, the number of counties served, community partnerships, and plans for supporting and educating IDA participants.

All applications received were reviewed and scored by staff members from IHCDA's Community Programs department. Out of a possible 100 points, organizations had to receive 60 in order to pass threshold and receive IDA accounts.

IHCDA received 20 applications, two of which are new applicants to the standard IDA program (denoted by an asterisk in Table A below). 19 applicants passed threshold and are recommended by staff to serve as IDA program administrators. The remaining applicant did not meet the 60-point threshold, and so is not eligible to serve as an IDA program administrator.

IHCDA staff recommend this year's awards be based on the following criteria:
- New agencies or agencies that received accounts last year but did not open any accounts last year have their request automatically set to five.
- If a returning agency requested five or fewer accounts they receive their full request.
- Remaining agencies receive 45% of their account request or five accounts, whichever is higher.

Applicants and recommended award amounts are set forth in Table A.

2021 Bond Approvals

TABLE A

	Requested Accounts	Recommended Accounts	Total Recommended Funding Award
Affordable Housing Corporation	5	5	$ 26,250.00
Counties served: Grant, Blackford, Madison, Howard			
Area Five Agency on Aging & Community Service, Inc.	5	5	$ 26,250.00
Counties served: Cass, Fulton, Howard, Miami, Tipton, Wabash			
Big Brothers, Big Sisters of Northeast Indiana, Inc.	5	5	$ 26,250.00
Counties served: Adams, Allen, DeKalb, Huntington, Kosciusko, LaGrange, Noble, Steuben, Wells, Whitley			
Community Action of Greater Indianapolis	10	5	$ 26,250.00
Counties served: Marion, Hamilton, Hendricks, Boone			
Community Action of Southern Indiana	3	3	$ 15,750.00
Counties served: Clark, Floyd, Harrison, Washington, Scott, Jefferson			
Dubois-Pike-Warrick Economic Opportunity Committee dba TRI-CAP	5	5	$ 26,250.00
Counties served: Dubois, Pike, Warrick, Orange, Posey, Vanderburgh			
Habitat for Humanity of Evansville	7	5	$ 26,250.00
Counties served: Vanderburgh, Posey			
Habitat for Humanity of Morgan County, Inc.	3	3	$ 15,750.00
Counties served: Morgan, Monroe, Johnson, Hendricks			
HOPE of Evansville	7	5	$ 26,250.00
Counties served: Vanderburgh, Posey, Warrick, Spencer, Perry, Gibson, Dubois			
Interlocal Community Action Program	5	5	$ 26,250.00

Counties served: Delaware, Fayette, Hancock, Henry, Rush, Wayne			
Kosciusko County Economic Development Corporation*	20	5	$ 26,250.00
Counties served: Kosciusko, Allen, Steuben, LaGrange, Wabash, Adams, DeKalb, Wells, Whitley, Noble, Huntington County			
LaCasa, Inc.	20	9	$ 47,250.00
Counties served: Elkhart, Saint Joseph, LaGrange, Marshal, Noble, Kosciusko, Fulton			
Lincoln Hills Development Corporation	5	5	$ 26,250.00
Counties served: Perry, Spencer, Crawford			
Living Water Family Services Inc.*	5	0	$ -
Counties served: Grant, Blackford, Wabash			
Monroe County United Ministries	5	5	$ 26,250.00
Counties served: Monroe			
Northwest Indiana Community Action	10	5	$ 26,250.00
Counties served: Lake, Porter, LaPorte, Jasper, Newton, Pulaski			
Pathfinder Services, Inc.	28	13	$ 68,250.00
Counties served: Dekalb, Elkhart, Fulton, Huntington, Kosciusko, Lagrange, Marshall, Miami, Noble, St. Joseph, Starke, Steuben, Wabash, Whitley, Adams, Allen, Blackford, Delaware, Grant, Jay, Madison, Wells, Marion			
PathStone Corporation	5	5	$ 26,250.00
Counties served: Delaware, Madison, Henry, Blackford, Randolph and Wayne			
REAL Services	12	5	$ 26,250.00
Counties served: St. Joseph, Elkhart, Kosciusko, Fulton, Marshall			
United Way of Bartholomew County	6	5	$ 26,250.00
Counties served: Bartholomew, Jackson, Shelby, Brown			
	174	103	$ 540,750.00

This year, IHCDA received $597,746 as a State appropriation, of which $56,996, or 9.5%, will be used for IHCDA administrative expenses, leaving $540,750 for IDA Administrators to use for accounts. The total cost for each account is $5,250, comprised of $4,500 in match, $500 in base admin costs, and a $250 graduation incentive. This means the 2021 state appropriation is able to support 103 accounts.

Following discussion, a motion was made by J. June Midkiff to approve awarding IDA funding in an aggregate amount not to exceed $540,750 to the applicants as set forth in Table A to administer the IDA Program for the program term beginning July 1, 2021 and ending on June 30, 2025. The motion was seconded by Andy Place. The motion passed unanimously.

> **RESOLVED**, that the Board approve awarding IDA funding in an aggregate amount not to exceed $540,750 to the applicants as set forth in Table A to administer the IDA Program for the program term beginning July 1, 2021 and ending on June 30, 2025, as recommended by staff.

B. 2021-2022 Individual Development Account (IDA) Tax Credit Allocation Approval

Chairperson Golden recognized Veronica Watson, who presented 2021-2022 Individual Development Account (IDA) Tax Credit Allocation Approval.

Background:

Pursuant to IC 6-3.1-18, IHCDA is authorized to allocate no more than $200,000.00 in tax credits during any state fiscal year to community development corporations ("CDCs") as defined by IC 4-4-28-2. The tax credits may be distributed by the CDCs to donors and used to offset donors' the State tax liability. The revenue generated from the sale of tax credits must be placed in a fund that is used to establish additional individual development accounts that are not already receiving funding from IHCDA's Individual Development Account ("IDA") Program funded by the State. Credits are worth 50% of donors' contributions, so that $200,000 in distributed tax credits would raise $400,000 in funding. IC 4-4-28-13 provides that CDCs may use no more than 20% of the first $100,000.00 raised in a year to the cover the administrative costs of the program. The credits are to be sold between July 2021 and June 2022. The IDA Tax Credit program has existed since 1997.

Process:
As done last year, Community Programs staff combined the IDA and IDA Tax Credit application, since many of the application questions and program rules are the same. Five of the IDA applications that were submitted requested IDA Tax Credits; two of those are new to the IDA Tax Credit program (denoted with an asterisk in Table A below).

Applications were evaluated using the same standards used for the regular IDA program, including previous experience administering the IDA program or related programs, the number of counties being served, partnerships, and plans for supporting and educating IDA participants. Applications had to score 60 out of 100 to pass threshold and receive IDA Tax Credits; one agency did not meet that threshold, so that agency is not eligible to receive IDA Tax Credits. Of the agencies that are eligible, the recommended number of accounts matches the number of accounts requested.

This list of applicants and recommended award amounts are set forth in Table A.

TABLE A			
	Tax Credit Request	IDA Tax Credit Recommendation	Total Recommended IDA Tax Credit Award
Indianapolis Neighborhood Housing Partnership	25	25	$ 37,500.00
Living Water Family Services Inc*	5	0	$ 0.00
Kosciusko County Economic Development Corporation*	30	30	$ 77,500.00
LaCasa, Inc.	18	18	$ 50,500.00
Pathfinder Services, Inc.	2	2	$ 5,625.00
		75	$ 171,125.00

It should be noted that all agencies that receive IDA Tax Credits are held to the same match rate and amounts as in the regular program (3:1, $4,500 maximum match) EXCEPT for the Indianapolis Neighborhood Housing Partnership ("INHP"), it has requested that its maximum match be $2,400, which is the amount it has used since its involvement in the IDA Tax Credit program began, which predates the rule that requires match amounts to be the same as required in the regular program. Given INHP's longstanding involvement and success with the IDA Tax Credit program, and the fact that INHP only administers IDA Tax Credit accounts, IHCDA staff based INHP's recommended award on that reduced amount.

Key Performance Indicators

- Twice a year, CDCs must provide information regarding their donors, which IHCDA sends to IDOR so that tax credits may be honored. At the same time, CDCs report on the IDA Tax Credit participants that they are currently working with, including how much participants saved, received in match and the asset they are working towards.
- In the 2020 program year, six agencies were awarded a total of $109,250 in IDA Tax Credits. Of those, three reported opening 32 accounts and having at least 14 already used for an asset purchase.

Following discussion, a motion was made by Kelly Mitchell to approve allocating IDA Tax Credits in an aggregate amount not to exceed $171,125 to the applicants as set forth in Table A. The motion was seconded by J. June Midkiff. The motion passed unanimously.

RESOLVED, that the Board approve allocating IDA Tax Credits in an aggregate amount not to exceed $171,125 to the applicants as set forth in Table A, as recommended by staff.

IV. Asset Preservation

A. Indiana Homeowner Assistance Fund Plan Board Memo

Chairperson Golden recognized Rich Harcourt, who presented Indiana Homeowner Assistance Fund Plan Board Memo.

Background:
On April 14, 2021, the United States Department of the Treasury ("Treasury") released funding allocations and guidance for the Homeowner Assistance ("HAF"), established under section 3206 of the American Rescue Plan Act of 2021 (the "ARP"), which directed Treasury to make approximately $9.9 billion in financial assistance to states, the District of Columbia, U.S. Territories, and tribal governments. According to the ARP, the HAF was established to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing. Indiana has been allocated $167,921,663.00, to establish its HAF program.

HAF participants may use funding from the HAF only for the following types of qualified expenses that are for the purpose of preventing homeowner mortgage delinquencies, homeowner mortgage defaults, homeowner mortgage foreclosures, homeowner loss of utilities or home
energy services, and displacements of homeowners experiencing financial hardship:

1. mortgage payment assistance;
2. financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default;
3. mortgage principal reduction, including with respect to a second mortgage provided by a nonprofit or government entity;
4. facilitating mortgage interest rate reductions;
5. payment assistance for:
    a. homeowner's utilities, including electric, gas, home energy, and water;
    b. homeowner's internet service, including broadband internet access service, as defined in 47 CFR 8.1(b) (or any successor regulation);
    c. homeowner's insurance, flood insurance, and mortgage insurance;
    d. homeowner's association fees or liens, condominium association fees, or common charges; and
    e. down payment assistance loans provided by nonprofit or government entities;
6. payment assistance for delinquent property taxes to prevent homeowner tax foreclosures;
7. measures to prevent homeowner displacement, such as home repairs to maintain the
8. habitability of a home or assistance to enable households to receive clear title to their properties;
9. counseling or educational efforts by housing counseling agencies approved by HUD, or legal services, targeted to households eligible to be served with funding from the HAF related to foreclosure prevention or displacement, in an aggregate amount up to 5% of the funding from the HAF received by the HAF participant;
10. planning, community engagement, needs assessment, and administrative expenses related to the HAF participant's disbursement of HAF funds for qualified expenses, in an aggregate amount not to exceed 15% of the funding from the HAF received by the HAF participant

Not less than 60% of amounts made available to each HAF participant must be used for qualified expenses that assist homeowners having incomes equal to or less than 100% of the area median income or equal to or less than 100% of the median income for the United States, whichever is greater. Any amount not made available to homeowners that meet this income-targeting requirement must be prioritized for assistance to socially disadvantaged individuals, with funds remaining after such prioritization being made available for other eligible homeowners.

By June 30, 2021, eligible entities must submit to Treasury a completed HAF plan or a date by which its HAF plan will be submitted.

The attached Exhibit A details Indiana's HAF program design. The program is modeled after Indiana's successful Hardest Hit Fund program ("HHF") which has provided over $186 million in mortgage payment assistance to more than 12,000 Hoosier homeowners. Staff estimates that the new HAF program, may assist up to 10,000 homeowners.

Following discussion, a motion was made by Andy Place, Sr. to approve IHCDA's HAF program, detailed in **Exhibit H**. The motion was seconded by G. Michael Schopmeyer. The motion passed unanimously.

> **RESOLVED**, that the Board approve IHCDA's HAF program, detailed in Exhibit A, as recommend by staff.

V. Legal Department

A. IHCDA Board of Directors Electronic Participation in Board Meetings

Chairperson Golden recognized David Stewart, who presented IHCDA Board of Directors Electronic Participation in Board Meetings.

Background:
The IHCDA Board Meeting by Simultaneous Electronic Participation Policy ("Policy") was approved by the Board at their March 26, 2020, meeting. This Policy (attached hereto as "**Exhibit I**"), which was adopted pursuant to Indiana Code 5-14-1.5-3.6, allows Board members to electronically participate in board meetings under certain situations and circumstances.

On March 6, 2020, Governor Holcomb issued Executive Order 20-02 which declared a public health emergency throughout the State of Indiana. Pursuant to Executive Orders 20-04 and 20-09, for the duration of the public health emergency, all governing bodies could meet by videoconference or telephone conferencing so long as a quorum of members participated in the meeting and it was made available to members of the public and media.

On April 20, 2021, Governor Holcomb signed Public Law 88-2021 (House Enrolled Act 1437), which became effective upon signature (attached hereto as "**Exhibit J**"). In short, these additions and amendments to the Open-Door Law clarified the procedures for virtual meetings and remote participation for members of governing bodies. Moreover, the governor rescinded the executive orders assisting governing bodies in navigating the pandemic on May 11, 2021, in light of the passage of these laws. The only amendment affecting these state boards is the exclusion of the 50% physical presence requirements for those boards whose membership is statutorily comprised of a majority of persons with disabilities. *See* Ind. Code 5-14-1.5-3.6(d). Therefore, nothing in House Enrolled Act 1437 affects Indiana Code 5-14-1.5-3.6 as it pertains to the Policy adopted by IHCDA.

The current public health emergency is set to expire on June 30, 2021. This means that once this public health emergency expires, IHCDA will be allowed to electronically conduct their Board Meetings pursuant to the previously adopted Policy.

VI. Executive

A. Executive Update

Chairperson Golden recognized J. Jacob Sipe, who presented the Executive Update and discussed the following topics:

1. **Escalating Construction Costs:**
   a. There has been an escalation in construction costs across the housing industry.
      i. Lumber prices have skyrocketed, there has been a 300% increase between April 2020 and May 2021. This has caused an average price increase just for the lumber of $36,000 for a single-family home and approximately $13,000 for multi-family housing since April 2020.
      ii. These lumber costs and other building material costs are adding additional strain on the housing market in terms of production.
      iii. The lumber costs have come down recently in the last couple weeks, but these costs are still 210% higher than they were a year ago.

iv. The OSB prices are up 380% over last year, which is also putting a strain on IHCDA.
v. In February, IHCDA awarded multi-family rental housing tax credits to developments that had priced out last summer and late last summer under pricing conditions that are not relevant today that have drastically changed.
vi. In addition, the 4% credit was locked into place, which is great for the housing industry using the multi-family bonds. Since, the credit is now at 4% it is providing additional credit availability for investors, and there is only a limited amount of investors, so IHCDA is just beginning to see a decrease in the value of the pricing of the 4% credits, which will have an adverse effect on the ability of developers to raise equity.
vii. IHCDA is starting to see challenges and strains with the awards that the board approved at the beginning of this year and last year for developments that have not closed yet.
viii. Matt Rayburn and Alan Rakowski have been having calls with the Indiana Affordable Housing Council regarding these concerns related to tax credit awards and looking at the impact it is having on the construction and building materials for developments that have not broken ground yet. IHCDA does not want to see these deals stall, IHCDA ran into this issue back in 2008, there was a serious issue where developments would take up to two years to get going because they stalled when trying to finance the development. IHCDA is working with Indiana Affordable Housing Council in trying to think through some potential ways to address these challenges. IHCDA wants to keep the pipeline of developments going and needs to continue to preserve and to produce new affordable housing across the state whether it is single family housing or multifamily developments. IHCDA will continue to engage the housing industry, developers and finance equity syndicators regarding this challenge.

Andy Place, Sr. made the following comment: Jake I know that Habitat for Humanity is having a hard time with the partner families qualifying for the new pricing on a non-interest rate mortgage, it is really getting to be a problem.

Jake responded to Andy Place, Sr: On the single-family side, there is a limited amount of production and a very low inventory, which increases the cost to buy a home and homes are staying on the market for a short period of time.

2. **Homeownership Volume Update**
   a. The homeownership loan volume continues to outpace any other year in the past, even with the limited housing inventory in 2021.
   b. Currently IHCDA is pushing about 1400 loans and a single-family mortgage volume of about $212M, in comparison to 2020, when IHCDA had 1100 loans and the single-family mortgage volume was $155M.
   c. IHCDA has $70M more in single-family mortgage loan volume this year compared to last year.
   d. In 2019 the single-family mortgage volume was at $127M. Today IHCDA has $212M in single-family mortgage loan volume.
   e. J. Sipe recognized the single-family team for working hard and generating numbers that outpace anything that has been done in the past, even with the limited supply of housing inventory and limited new construction on entry level single-family homes.

3. **Housing Assistance Fund**
   a. Rich Harcourt gave a presentation today regarding the Housing Assistance Fund today.
   b. On June 7, 2021, IHCDA released a request for proposals for an entity to assist IHCDA with administering the Housing Assistance Fund.
   c. The deadline for organizations to respond to the RFP was on June 21, 2021 and IHCDA received 15 responses to the RFP.
   d. IHCDA will review these responses and is looking to partner with an organization to assist in the administration and implementation of the Housing Assistance Fund.
   e. IHCDA's goal is to bring a recommendation to the July Board Meeting.

4. **Hardest Hit Fund**
   a. The Hardest Hit Fund program will end on July 1, 2021 and IHCDA is processing the last remaining applications.

b. The program was set to expire last year and IHCDA was on top of the situation and after having conversations with the U.S. Department Treasury IHCDA was allowed to extend the program for another year.
c. Jake will provide an update to the Board in July regarding what the Hardest Hit Fund was able to accomplish and how many homeowners IHCDA was able to assist since the pandemic started in April.

5. **Indiana Emergency Rental Assistance Update**
   a. The Federal CDC eviction moratorium is scheduled to end June 30, 2021.
   b. J. Sipe was invited to attend an eviction forum at the state house earlier this week and he provided an overview on the Indiana Emergency Rental Assistance ("ERA") program.
   c. Eviction is a judicial process that is not affiliated with IHCDA. IHCDA is not a judicial branch of the state of Indiana.
   d. One take-away from the forum that is being seen by the experts is that the highest amount of needs and the majority of challenges related to evictions are in the larger metropolitan cities.
   e. The Emergency Rental Assistance program in the state of Indiana, there are six large municipalities that are implementing their own program, the six include:
      i. Elkhart County
      ii. Hamilton County
      iii. Lake County
      iv. Marion County
      v. St. Joseph County
      vi. City of Fort Wayne
   f. IHCDA's ERA program covers roughly 85 counties of the state.
   g. IHCDA has currently approved just under 8,000 renter households to receive rental assistance.
   h. IHCDA is still has a large number of applications being processed. The team is working hard to get those completed.
   i. If there are any renters that are faced with some housing instability as it relates to being behind on rent or being adversely affected by the Pandemic, they should go to indianahousingnow.org.
   j. If there are renters that are having challenges with submitting an application online, due to technology issues or no internet access, IHCDA has a partnership with Indiana 211 and trained staff with Indiana 211, who can assist renters and submit an application on behalf of the renters.

6. **July's IHCDA Board Meeting Location:**
   a. The next Board meeting is on July 22, 2021 at 10 a.m. EST and IHCDA is planning to meet in person.
   b. J. Sipe expressed appreciation to David Stewart for sharing the IHCDA Board of Directors Electronic Participation in Board Meetings policy as it relates to Board meetings, which will be implemented on July 22, 2021, the 4th Thursday in July.

VII. Other Business

There being no further business, a motion was made by Andy Place, Sr. to adjourn the meeting, which was seconded by J. June Midkiff; the motion passed unanimously, and the meeting was adjourned at 11:04 a.m.

Respectfully submitted,

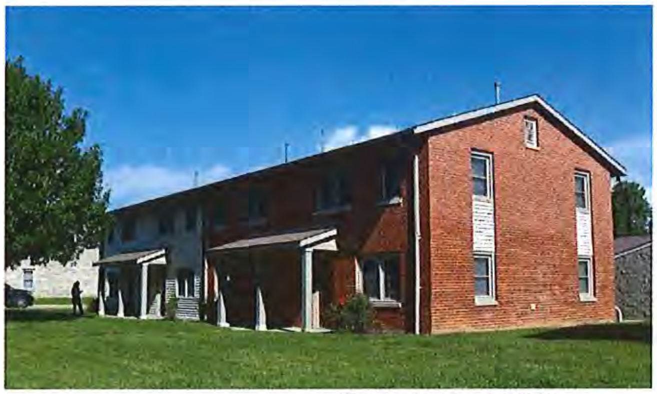
____
Lieutenant Governor, Suzanne ~~Crouch, or her~~ designee

ATTEST:

____
J. Jacob Sipe
Executive Director for IHCDA

Exhibit A

INDIANA HOUSING & COMMUNITY DEVELOPMENT AUTHORITY
RENTAL HOUSING TAX CREDIT (RHTC) PROGRAM
PROPOSED DEVELOPMENT SUMMARY
2021A-B Bond Round



PROJECT NAME:	Bloomington RAD II
SITE LOCATION:	1007 N Summit St. Bloomington, IN 47404
PROJECT TYPE:	Rehabilitation
PROJECT DESIGNATION:	Multifamily
APPLICANT:	Brinshore Development, LLC
PRINCIPALS:	Brinshore Development, LLC Brinshore Development, Inc. RJS Real Estate Service, Inc

# OF UNITS AT EACH SET ASIDE		UNIT MIX	
60% of AMI:	204	Efficiency:	0
50% of AMI:	0	One bedroom:	72
40% of AMI:	0	Two bedroom	62
30% of AMI:	0	Three bedroom:	56
Market Rate:	0	Four bedroom:	14
		Total units:	204

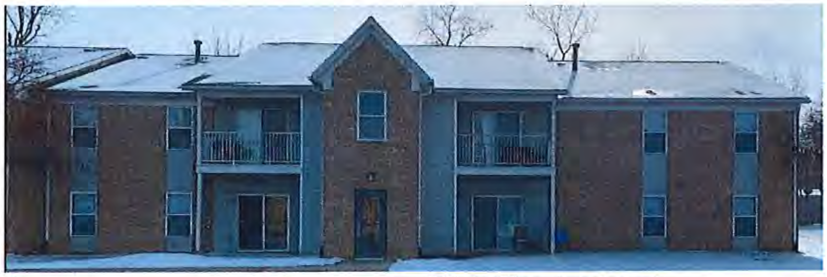
TOTAL PROJECTED COSTS:	$54,032,857
TAX CREDITS PER UNIT:	$11,521.87
CREDIT REQUESTED:	$2,350,461
CREDIT RECOMMENDED:	$2,350,461
BOND VOLUME REQUESTED:	$30,000,000
BOND VOLUME RECOMMENDED:	$30,000,000
DEVELOPMENT FUND REQUESTED:	$0
DEVELOPMENT FUND RECOMMENDED:	$0
APPLICANT NUMBER:	2021A-B-001
BIN NUMBER:	IN-21-02400
DEVELOPMENT FUND LOAN NUMBER:	N/A
SELF SCORE:	59

IHCDA SCORE: 59.5

Exhibit B

ihcda
Indiana Housing & Community Development Authority

INDIANA HOUSING & COMMUNITY DEVELOPMENT AUTHORITY
RENTAL HOUSING TAX CREDIT (RHTC) PROGRAM
PROPOSED DEVELOPMENT SUMMARY
2021A-B Bond Round



PROJECT NAME:	Misty Glen Apartments
SITE LOCATION:	99 Misty Lane Hebron, IN 46341
PROJECT TYPE:	Rehabilitation
PROJECT DESIGNATION:	Family
APPLICANT:	Flaherty & Collins Development LLC
PRINCIPALS:	David Flaherty

# OF UNITS AT EACH SET ASIDE		UNIT MIX	
60% of AMI:	80	Efficiency:	0
50% of AMI:	0	One bedroom:	16
40% of AMI:	0	Two bedroom	40
30% of AMI:	0	Three bedroom:	24
Market Rate:	0	Four bedroom:	0
		Total units:	80

TOTAL PROJECTED COSTS:	$9,364,646
TAX CREDITS PER UNIT:	$3,871.85
CREDIT REQUESTED:	$309,748
CREDIT RECOMMENDED:	$309,748
BOND VOLUME REQUESTED:	$6,500,000
BOND VOLUME RECOMMENDED:	$6,500,000
DEVELOPMENT FUND REQUESTED:	$0
DEVELOPMENT FUND RECOMMENDED:	$0

APPLICANT NUMBER:	2021A-B-006
BIN NUMBER:	IN-21-02700
DEVELOPMENT FUND LOAN NUMBER:	N/A
SELF SCORE:	57.5
IHCDA SCORE:	51.5

Exhibit C

ihcda

Indiana Housing & Community Development Authority

INDIANA HOUSING & COMMUNITY DEVELOPMENT AUTHORITY
RENTAL HOUSING TAX CREDIT (RHTC) PROGRAM
PROPOSED DEVELOPMENT SUMMARY
2021A-B Bond Round

PROJECT NAME:	Douglas Pointe III Apartments
SITE LOCATION:	5525 Hyles Blvd. Hammond, IN 46320
PROJECT TYPE:	Rehabilitation
PROJECT DESIGNATION:	Family
APPLICANT:	Flaherty & Collins Development LLC
PRINCIPALS:	David Flaherty

# OF UNITS AT EACH SET ASIDE		UNIT MIX	
60% of AMI:	64	Efficiency:	0
50% of AMI:	0	One bedroom:	0
40% of AMI:	0	Two bedroom	64
30% of AMI:	0	Three bedroom:	0
Market Rate:	0	Four bedroom:	0
		Total units:	64

TOTAL PROJECTED COSTS:	$9,122,648
TAX CREDITS PER UNIT:	$5,360.72
CREDIT REQUESTED:	$343,086
CREDIT RECOMMENDED:	$343,086
BOND VOLUME REQUESTED:	$6,700,000
BOND VOLUME RECOMMENDED:	$6,700,000
DEVELOPMENT FUND REQUESTED:	$0
DEVELOPMENT FUND RECOMMENDED:	$0
APPLICANT NUMBER:	2021A-B-004
BIN NUMBER:	IN-21-02500
DEVELOPMENT FUND LOAN NUMBER:	N/A
SELF SCORE:	51
IHCDA SCORE:	42

Exhibit D

ihcda

Indiana Housing & Community Development Authority

INDIANA HOUSING & COMMUNITY DEVELOPMENT AUTHORITY
RENTAL HOUSING TAX CREDIT (RHTC) PROGRAM
PROPOSED DEVELOPMENT SUMMARY
2021A-B Bond Round

PROJECT NAME:	Emerald Pointe Apartments
SITE LOCATION:	53880 Generations Dr. South Bend, IN 46635
PROJECT TYPE:	Rehabilitation
PROJECT DESIGNATION:	Family
APPLICANT:	Flaherty & Collins Development LLC
PRINCIPALS:	David Flaherty

# OF UNITS AT EACH SET ASIDE		UNIT MIX	
60% of AMI:	168	Efficiency:	0
50% of AMI:	0	One bedroom:	60
40% of AMI:	0	Two bedroom	84
30% of AMI:	0	Three bedroom:	24
Market Rate:	0	Four bedroom:	0
		Total units:	168

TOTAL PROJECTED COSTS:	$17,029,624
TAX CREDITS PER UNIT:	$4,017.54
CREDIT REQUESTED:	$674,946
CREDIT RECOMMENDED:	$674,946
BOND VOLUME REQUESTED:	$17,000,000
BOND VOLUME RECOMMENDED:	$17,000,000
DEVELOPMENT FUND REQUESTED:	$0
DEVELOPMENT FUND RECOMMENDED:	$0

APPLICANT NUMBER:	2021A-B-005
BIN NUMBER:	IN-21-02600
DEVELOPMENT FUND LOAN NUMBER:	N/A
SELF SCORE:	49
IHCDA SCORE:	51.5

Exhibit E

Anchor Employer Housing Initiative - Term Sheet

Kosciouskio Development Land Trust

The Open Revolving Line of Credit: A One Million Dollar ($1,000,000) Open Revolving Line of Credit

Open Revolving Line of Credit Borrower: Kosciusko Development Land Trust, an Indiana non-profit corporation, will serve as Revolving Loan Fund ("RLF") Coordinator.

Kosciusko Develompent Land Trust will pay all claims. Any correspondence associated with the Anchor Employer Housing Initiative from the Indiana Housing and Community Development Authority ("IHCDA") shall be directed to the following:

Lori Shipman, Program Administrator
Kosciusko Development Land Trust
lshipman@kosciuskoedc.com
260-503-1122

Revolving Loan Fund Administration: Kosciusko Economic Development Corporation will lead outreach in communities throughout Kosciusko County (e.g., identify potential sites, build project teams). Kosciusko Workforce Housing Corporation ("KWHC") will provide project management (e.g., completion of due diligence) and will prepare loan applications for funding approval.

Underwriting will be completed by HPG Network. Requests for funding will be considered by the Project Review Committee ("KDLT"), which will consist of the five-member KDLT board of directors and four at-large members appointed by the Kosciusko County Housing Steering Committee.

Open Revolving Line of Credit Distributions: The Open Revolving Line of Credit distributions are to be made to cover incurred costs of the Borrower. The Borrower may submit, , to the IHCDA claims that Borrower has received connected with the Anchor Employer Housing Initiative. Distributions are to be made according to the agreed terms and schedule. Borrower shall submit a request for claims to be paid to the following address:

IHCDA
30 South Meridian Street, Suite 900
Indianapolis, IN, 46204.
ATTN: Samantha Spergel

Indiana Housing and Community Development Authority will advance the first one million dollars ($1,000,000.00) and advances will be on a first in, last out basis ("FILO") and will be structurally subordinate to the bank advances and loan repayment. Advances will be limited to land acquisition costs (not to exceed appraised value) and some predevelopment costs as defined in Borrower's loan policy to support the production of workforce housing in Kosciusko County.

Simple Interest Rate: 2% per annum on outstanding funds advanced calculated and added to any outstanding balance at end of each month.

Allowable Costs: Costs may include land value, and any soft costs to include outside fees and services.

Use of Proceeds: Proceeds are to be used for allowable costs related to building (not maintaining) workforce housing in Kosciusko County, Indiana under the Anchor Employer Housing Initiative program initiated by the IHCDA.

Collateral:

1) First mortgage on acquired property
2) Security interest in a depository account equal to five (5) years interest carry on a fully funded line of credit
3) Pledge of any municipal revenue streams if and when available

Approved Sales Contract: Any purchase agreement for the sale of property financed by the RLF from Borrower to a Developer must be approved by IHCDA and Borrower.

Proceeds from Sale: The following "waterfall" describes the distribution of proceeds, to the extent available from the sale of property.

1) A 2% fee to Borrower for administering the credit facility
2) Repayment of IHCDA credit facility advances to the RLF. Any remaining funds flow to a Developer and IHCDA to offset deficiencies, if any, from previous transactions.
3) Any remaining funds shall be placed into an account held by Borrower, with restrictions indicating that the money may used for the aforementioned allowable costs to support workforce housing production.

Maturity of Revolving Line of Credit: The Revolving Line of Credit will mature five (5) years from the date of the executed agreement between IHCDA and Borrower. On any anniversary date, Borrower may elect to request an extension of the Revolving Line of Credit for an additonal twelve (12) months.

Guarantors: Defiency Guaranty of Zimmer Biomet limited to one million dollars ($1,000,000).

Modification: IHCDA and/or Borrower may request to modify this agreement and term sheet. Modifications must be in writing and considered by both parties in a timely manner.

Exhibit F

Chapter 18 of the IHCDA HCV Administrative Plan

Chapter 18

EMERGENCY HOUSING VOUCHERS

INTRODUCTION

This chapter describes HUD regulations and PHA policies related to the Emergency Housing voucher (EHV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the EHV program including voucher authority, voucher authority expiration, referrals, services, and jurisdiction.

Part II: EHV Participant Selection. This part includes policies related to the referral of applicants to the program from Indiana Balance of State Continuum of Care (BoS CoC) and eligibility.

Part III: Differences from HCV program. This part describes requirements that differ from general IHCDA HCV program requirements.

Part IV: Services. This part describes the types of services IHCDA may provide through EHV Services Fee funds and services that will be provided through IHCDA and BoS CoC partners.

PART I: GENERAL REQUIREMENTS

18-I.A. OVERVIEW [Notice PIH 2021-15]

The emergency housing voucher (EHV) program allows PHAs that are allocated EHV authority from HUD to provide vouchers and some services to households. EHV is a tenant-based subsidy available to eligible households referred to IHCDA by the BoS CoC. Eligibility for these vouchers is limited to individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The IHCDA EHV program covers all areas of Indiana where another Public Housing authority does not have jurisdiction. In areas of Indiana where IHCDA does not have jurisdiction and the local PHA does not have an EHV program, referrals will be made to IHCDA from the BoS CoC and it will work with the local PHA to administer the voucher through portability or by entering into a MOU that allows IHCDA to administer the EHV in the local PHA's jurisdiction.

IHCDA has entered into a MOU with the Indiana BoS CoC to have EHV referrals provided to IHCDA through its regional Coordinated Entry (CE) systems. The Indiana BoS CoC CE policies and procedures are based on a principle of "ensur(ing) that those persons with the most severe service needs and greatest barriers towards obtaining and maintaining housing on their own are given first priority to available housing and to provide each household with adequate services and supports to meet their housing needs." Additional information about the CE system, including the regional structure, can be found at https://www.in.gov/ihcda/files/CE-Policy-and-Procedures-6.0-1.16.2020.pdf.

IHCDA has been allocated and accepted 323 emergency housing vouchers from HUD. IHCDA will accept any future allocations offered by HUD. Allocations are anticipated to be made available on July 1st, 2021 through an amendment to the IHCDA Consolidated Annual Contributions Contract with HUD. Available vouchers may be issued through September 30, 2023. Households that are receiving assistance through EHV on September 30, 2023 will continue to receive assistance until they are no longer eligible for assistance based on HCV rules and regulations as described in chapter 3 and 12 of this administrative plan.

PART II: EHV Participant Selection

18-II.A. Overview

Selection of households for participation in the EHV program will occur exclusively through referrals from the BoS CoC CE system. IHCDA has entered into a MOU with the BoS CoC to receive referrals for households meeting the following HUD eligibility requirements for EHV:

a. Individuals and families who are homeless

The meaning of "homeless" is as such term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), which is codified in HUD's

Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

Homeless means:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

b. Individuals or families who are at-risk of homelessness

The meaning of "at-risk of homelessness" is as such term is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD's Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

At risk of homelessness. (1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition above; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

c. Individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90-day period preceding the date of the request for transfer.

Domestic violence includes felony or misdemeanor crimes of violence committed by:

a. a current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),

b. a person with whom the victim shares a child in common,

c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or

e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence means violence committed by a person:

a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship;
2. The type of relationship; and
3. The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or

(2) Suffer substantial emotional distress.

Human trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and)

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

d. Individuals or families who are recently homeless

This category is composed of individuals and families determined by the CoC or its designee to meet the following definition.

Recently homeless is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

18-II.B. Referral Process

IHCDA will only accept referrals from the regional BoS CoC CE systems. All referrals will be sent to a single point of contact at IHCDA who will be responsible for assigning the referred household to a caseworker in the area they would like to live.

Once assigned a caseworker the household will have their eligibility verified and be provided briefing and issued a voucher in accordance with the regulations and policies outlined in chapter 5.

PART III: Differences from HCV Program

18-III.A. Overview

Generally, the EHV program's policies and procedures are the same as IHCDA's HCV program as described in the previous chapters of this administrative plan. However, through PIH Notice 2021-15 HUD has provided PHAs with the authority to have alternative requirements for:

a. Preferences
b. Waitlists
c. Denials of assistance
d. Income verification at admission
e. Social security and citizenship verification
f. Income targeting
g. HQS inspections
h. Initial lease term
i. Initial search term
j. Payment standards
k. Portability

IHCDA has adopted the following alternative requirements for the EHV program

Preferences

a. No preferences will be provided for the EHV waitlist.

Waitlist

a. A separate waitlist will be maintained for the EHV program in the event that referrals exceed IHCDA's available EHV program vouchers. The waitlist will be ordered in the order the referrals are received.

Denials of assistance

a. Households will be denied assistance if:
    1. Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing
    2. Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program

b. IHCDA will not prohibit admission to the EHV program under any additional criteria.

Income Verification at admission

a. For EHV eligible households documentation may not be readily on-hand to determine income eligibility. To prevent a delay in the household receiving housing assistance IHCDA will allow self-certification of all income at admission for the EHV program. Once available IHCDA will review the EIV Income and Income Validation Tool Reports to verify any self-reported income. If discrepancies are found between the self-reported income and the EIV Income and Income Validation Tool Reports the household may be required to repay IHCDA for any assistance the household received that they were not eligible for in accordance with Chapter 6 of this administrative plan.
b. Alternatively if a household has recently had a income determination conducted for a rapid rehousing or other time-limited housing assistance program that was done in accordance with 24 CFR Part 5 IHCDA will accept that income determination as long as it was:
    a. Conducted within the last six months
    b. The household certifies there has been no change in income or family composition in the interim

Social Security Number and Citizenship Verification

a. Documentation of Social Security Number, Citizenship Verification, and Date of Birth may not be readily on hand and may be difficult to obtain for individuals and families experiencing homelessness. To prevent any delay in EHV households receiving assistance IHCDA will allow EHV household members to self-certify their social security number, citizenship status, and date of birth. Additional documentation, in accordance with documentation requirements listed in chapter 7, must be provided within 180 days of admission to the program. Extensions may be granted if the household provides documentation that a good-faith effort is being made to obtain the documents. If a household member is admitted based on self-certification and is later found to not be eligible they may be required to repay IHCDA for any assistance the household received that they were not eligible for in accordance with chapter 6 of this administrative plan.

HQS Inspections

a. To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517), the unit may be approved as long as it meets all other conditions under § 982.305. However, the family must be free to select their unit and cannot be required to accept a pre-screened unit.

Initial Lease Term

a. In instances where a household's housing opportunities would be improved by being able to enter into a lease of less than 12 months the household will be allowed to do so.

Initial Search Term

a. All households will be provided 120 day initial search term on their vouchers. Additional extensions will be available as described in the voucher extension policy in chapter 5 of this administrative plan.

Payment Standards

a. The EHV program will use a separate payment standard from the regular HCV program set at 120% of the HUD published local fair market rent. Payment standards will be based on county fair market rent with the exception of areas of IHCDA's jurisdiction where small area fair market rent has been implemented for the regular HCV program. All rent reasonableness requirements at § 982.507 continue to apply to EHV units.

Portability

a. The regular HCV requirement for a "non-resident applicant" to reside in IHCDA's jurisdiction for a 12 month period after being admitted to the program will not apply to EHV applicants. All EHV applicants will be permitted to immediately port to another PHA's jurisdiction without needing to submit a reasonable accommodation waiver.

PART IV: Services

18-IV.A. Overview

In addition to HAP and Administrative funds HUD has provided IHCDA with finding to provide services to EHV housing with the goal of increasing the rate of successfully housing households with EHV. IHCDA may use these fees to provide the services described below to EHV participants during their housing search.

18-IV.B. IHCDA Provided Services

Housing Search Assistance

Housing search assistance is a broad term which may include many activities such as but not limited to helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

Application Fees

IHCDA will assist households by paying tenant application fees during their housing search.

Security Deposits

IHCDA will provide Security Deposit assistance to EHV households. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. If a household is still a program participant at the end of their tenancy the security deposit may be returned to the household less any amounts retained by the owner in accordance with the lease. If a household has been terminated from the EHV program the landlord must return the security deposit less any amounts retained by the owner in accordance with the lease to IHCDA.

Utility deposit assistance/utility arrears

IHCDA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. IHCDA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family, provided the IHCDA verifies the family paid the utility deposit. In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. IHCDA may also provide the family with assistance to help address these utility arrears to facilitate leasing.

Owner recruitment and outreach

IHCDA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections (see section 18-III.A above) or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive payments.

Owner incentive payments

IHCDA will provide an owner incentive payment of $1000 for owner's housing their first EHV participant. The incentive payment will be made in two installments, an initial $500 installment following the execution of the HAP contract between IHCDA and the owner and a second $500 installment at the end of the initial lease term. IHCDA will provide a owner with a $500 incentive payment for each additional EHV participant they accept, these payments will be paid in two installments, an initial $250 installment following the execution of the lease and an additional $250 installment following the end of the initial lease term.

Moving expenses

IHCDA will provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. IHCDA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., IHCDA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking, for example.

Tenant readiness services

IHCDA may use the services fee funding to help create customized plans to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears

Essential household items

IHCDA may use the services fee funding to assist the family with some or all of the costs of acquiring essential household items as defined by the PHA (e.g., tableware, bedding, etc.).

<u>**Exhibit G**</u>

EHV MOU between IHCDA and the Indiana BoS CoC

Memorandum of Understanding

This Memorandum of Understanding ("MOU") is entered into by and between the following parties: [** ***Insert execution date.*** **].

Indiana Balance-of-State Continuum of Care ("CoC")
30 S. Meridian Street, STE 900
Indianapolis, IN 46204

Indiana Housing and Community Development Authority
30 S. Meridian Street, STE 900
Indianapolis, IN 46204

I. <u>Introduction and Goals</u> (the following elements, listed in a. – c., are required elements of the MOU):

a. <u>PHA and CoC Commitment</u>

By entering into this MOU, PHA and CoC are committing to administer the Emergency Housing Vouchers ("EHV") and provide the services described in this MOU to the most vulnerable individuals/families experiencing or on the verge of experiencing homelessness in accordance with the EHV program ("EHV Program") and Indiana Balance of State Continuum of Care ("BoS CoC") policies. To be eligible to receive an EHV funding allocation, a PHA must currently administer the HCV program through an existing Consolidated Annual Contributions Contract ("CACC") with HUD.

b. <u>PHA Goals and Standards of Success</u>

PHA has the goals of achieving full utilization of EHV within 12 months of the funding date and maintaining housing stability for 90% of EHV holders. These goals are consistent with stability goals in existing Permanent Solution Housing ("PSH") projects in the State.

c. <u>Identification of Staff Positions at the PHA and CoC Who Will Serve as the Lead EHV Liaisons</u>

Name and title of PHA staff position: <u>Jeff Zongolowicz, Director of Housing Choice Programs</u>

<u>**Responsibilities of PHA EHV Lead Liaison:**</u>

A. Act as the point of contact for all Coordinated Entry ("CE") referrals;
B. Maintain communication with referring agency on status of referred participant in the EHV Program;
C. Meet, regularly with CoC partners to review EHV Program metrics and address concerns;
D. Attend all appropriate CE/client meetings with CoC regional partners, including but not limited to Case Conferencing meetings and Regional Council meetings;

E. Establish windows of time for EHV applicants to complete intake interviews for EHV;
F. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee;
G. Coordinate with PHAs and Community Mental Health Centers ("CMHC") to provide supportive services to individuals and families who receive vouchers;
H. Accept direct referrals for eligible individuals and families only through the CoC CE System;
I. Comply with IN BoS CoC policies and procedures regarding CE and client confidentiality;
J. Commit enough staff and necessary resources to ensure that the application, certification, and EHV issuance processes are completed in a timely manner;
K. Commit enough staff and resources to ensure that inspections of units are completed in a timely manner;
L. Designate a staff to serve as the lead EHV liaison; and
M. Comply with the provisions of this MOU.

Name and title of CoC CE Lead staff position:____________________________

<u>Responsibilities of CoC EHV Lead Liaison (Coordinated Entry Lead "CE Leads"):</u>

A. In accordance with BoS CoC policies, incorporate Housing Choice Vouchers ("HCV") Emergency Vouchers into the CE referral process for region;
B. Follow Emergency Voucher prioritization and client privacy policy from BoS CoC board;
C. Track CE referral process for compliance with BoS CoC approved prioritization method;
D. Organize Case Conferencing meetings to discuss individuals/families on CE list and connection to vouchers;
E. Understand and abide by all confidentiality polices and procedures around CE;
F. Include appropriate PHA staff in all necessary meetings to better serve participants. This includes but is not limited to the Regional Planning Council meetings and Case Conferencing meetings, as appropriate;
G. Coordinate with PHAs and Community Mental Health Centers ("CMHC") to provide supportive services to individuals and families who receive vouchers;
H. Create mechanism for continuous local communication with PHA;
I. Regularly meet with PHA partners to review Program metrics and address concerns;
J. Designate and maintain a lead EHV liaison to communicate with the PHA;
K. Refer eligible individuals and families to PHA using the community's CE system;
L. Support eligible individuals and in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications,birth certificate, social security card, etc.);
M. Attend EHV participant briefings when needed;
N. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their

transition; and

O. Comply with the provisions of this MOU.

d. Identification of Staff Positions at IHCDA

Name and title of IHCDA CoC staff position: Elspeth Hilton, Director of Community Services

Responsibilities of IHCDA Community Services Staff:

A. Communicate regularly with CE Leads and CoC BoS board on progress of the EHV Program;
B. Act as liaison between CE Leads and BoS CoC board of directors;
C. Act a liaison between CE Leads and IHCDA PHA contacts;
D. Facilitate MOU between PHAs and BoS CoC board;
E. Train PHA point of contacts on CE and other CoC BoS policies as appropriate;
F. Collect and communicate data on partnership to key stakeholders;
G. Train PHA and CE points of contact on funding available to support program;
H. Coordinate PHA and CE Lead communication/training prior to EHV Program launch; and
I. Attend all necessary meetings as they pertain to MOU and partnership work.

II. Populations eligible for EHV assistance to be referred by CoC

1. **Eligibility**
   In order to be eligible for EHV assistance, an individual or family must meet one of the four eligibility categories:
   A. Homeless
   B. At risk of homelessness
   C. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
   D. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.
2. **Referrals**
   CoC referrals must be made for individuals or households that meet the McKinney-Vento Homeless Assistance Act definition of homeless or at-risk of homelessness, which can be found at 24 CFR 578.3. They must comply with the IN BoS CoC policies and procedures regarding the EHV program and Coordinated Entry.
3. **Services to be provided to eligible EHV individuals and families**
   A. PHAs, CE Leads, and CMHCs should work in conjunction to support clients as appropriate.
   B. Reimbursement for supportive services can be requested through the IHCDA supportive service fund, ESG-CV sub-recipients, or through EHV funding.
      - Medicaid and CMHC eligible clients may be provided services through the IHCDA supportive service fund in partnership with the Indiana Family and Social Services Agency (FSSA) and their Division of Mental Health and Addition (DMHA).

- In accordance with HUD notice CPD-20-08 and 24 CFR Part 576, ESG-CV funds may be used to support eligible clients and support time CE Leads staff time.
- In accordance with PIH notice 2021-15, funding is available through the EHV program for supportive services.

C. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance, while aiding households in addressing barriers.

D. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.

E. Partnering service providers will provide housing search assistance for eligible individuals and families.

F. Partnering service providers will provide counseling on compliance with rental lease requirements.

G. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.

H. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

III. Third Party Entity Roles Responsibilities

1. State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients will fulfill each of the following responsibilities:

   a. Outline resource and/or service being provided in support of the community's EHV Program.

   b. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.

   c. Comply with the provisions of this MOU.

IV. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with the U.S. Department of Housing and Urban Development ("HUD") and provide any requested data to HUD or HUD-approved contractor delegated the responsibility of Program evaluation using protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

V. Term of the MOU/End of EHV Program

This MOU shall be effective as of 7/1/2021 and shall end when the PHA no longer has any EHV families under lease and is not permitted to reissue any of its remaining EHVs due to the statutory September 30, 2023 reissuance prohibition, the EHV Program will have effectively ended and all associated unexpended funds must be remitted to HUD. Likewise, the funds appropriated for the EHV Program are available for obligation by HUD only until September 30, 2030 and will be cancelled as a matter of law on September 30, 2035. This MOU may be terminated sooner as set forth in Section XII of this MOU.

VI. Modification

1. This MOU may be amended by mutual consent. Any such amendment shall be by written agreement of the parties executed with the same formality as this original MOU.
2. No waiver of any provision hereunder shall operate as an amendment or bind a party to future waiver of the same unless incorporated in an amendment pursuant to IX.
3. This MOU may be rendered null and void, in whole or in part, by changes in federal or state law or if funding appropriations prevent any party from fulfilling its terms. In such an event, each party agrees to notify the other as soon as possible.

VII. Severability

The invalidity of any section, subsection, clause or provision of this MOU shall not affect the validity of the remaining sections, subsections, clauses or provisions.

VIII. Confidentiality

1. The parties understand and agree that data, materials and information disclosed may contain confidential and protected data. Therefore, the parties agree that data, material, and information gathered, based upon or disclosed for the purposes of this MOU, will not be further disclosed to others without the prior written consent of the parties, unless otherwise authorized under the terms of this MOU.

2. Each agency that receives confidential information from another agency shall maintain the confidentiality of that information in accordance with I.C. 4-1-6-8.5 and I.C. 5-14-3-6.5.

IX. Compliance with Laws.

The PHA shall comply with all applicable federal, State, rules, and regulations, related to the EHV Program, including PIH 2021-15(HA). The enactment or modification of any applicable State or federal statute or the promulgation of rules or regulations thereunder after execution of this MOU shall be reviewed by IHCDA and the PHA to determine whether the provisions of this Contract require formal modification.

X. Termination

1. This MOU may be terminated by IHCDA in accordance with guidance provided by HUD related to the end or termination of the EHV Program.

2. This MOU may be terminated by either party, upon reasonable notice, whenever for any reason, any party determines that such termination is in its best interest.
3. If any party has failed to comply with the terms of this MOU, any party may, upon thirty (30) days written notice to the others, terminate this MOU. The notice of termination shall state the reason(s) for the termination and the effective date.
4. When the Director of the State Budget Agency makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of this MOU, the MOU shall be canceled. A determination by the Director of the State Budget Agency that funds are not appropriated or otherwise available to support continuation of performance shall be final and conclusive.
5. If this MOU is terminated for any reason, the parties will proceed and account for funds as if this MOU expired on its own terms. PHA shall remit to IHCDA within sixty (60) days of such termination, any unexpended funds. IHCDA's acceptance of any such amount shall not constitute a waiver of any claim that IHCDA may otherwise have arising out of this MOU.

XI. Notice to Parties

Whenever any notice, statement, or other communication shall be sent to the Executive Director of IHCDA, PHA, the Board Chair of CoC, or the Authorized Representative of CoC regarding this MOU, it shall be sent by e-mail to the following addresses, unless otherwise advised:

Notice to IHCDA:

Executive Director
Indiana Housing and Community Development Authority
30 S. Meridian Street, Suite 900
Indianapolis, Indiana 46204
Jsipe@IHCDA.in.gov

Director of Community Services
Indiana Housing and Community Development Authority
30 S. Meridian Street, Suite 900
Indianapolis, Indiana 46204
elhilton@IHCDA.in.gov

Notice to CoC:

Board Chair
Indiana Balance of State Continuum of Care
30 S Meridian Street, Suite 900
Indianapolis, IN 46204
pam.isaac@howardcountyin.gov

XII. Counterparts

This MOU may be executed in multiple counterparts by the parties hereto. Each counterpart so executed shall constitute one agreement binding upon all parties, notwithstanding that all parties are not signatories to the original or the same counterpart.

XIII. Funding Cancellation

When the Executive Director of IHCDA or the Director of the State Budget Agency makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of this MOU, this MOU shall be canceled. A determination by the Executive Director or the Director of the State Budget Agency that funds are not available shall be final and conclusive.

XIV. Third-Party Beneficiary

Nothing in this MOU shall be construed as creating any rights for any third-party beneficiaries to enforce any provision of this MOU or to assert any claim against any party to this MOU, except for HUD and Indiana Housing and Community Development Authority ("IHCDA"). The performance of the obligations set forth in the MOU by the parties are necessary to ensure that the EHV Program is being administered in compliance with HUD guidance and regulations and in a manner to carry out the purpose of the EHV Program in a timely and efficient manner. As a third-party beneficiary, IHCDA may directly enforce any provision contained in this MOU.

IN WITNESS WHEREOF, the parties through duly authorized representatives, entered into this Memorandum of Understanding. The parties having read and understood the foregoing terms of this Memorandum of Understanding do by their respective signatures dated below hereby agree to the terms thereof.

[SIGNATURES ON THE FOLLOWING PAGES]

[Signed and dated by the official representatives of the PHA, CoC, and third-party entities (if applicable.]

Signed by

______________________________ ______________
Executive Director, IHCDA Date

______________________________ ______________
CoC Board Chair Date

Exhibit H

Indiana Homeowner Assistance Fund (IHAF) Mortgage Assistance Program (MAP)

Program Overview	The Homeowner Assistance Fund ("Treasury HAF") was established under Section 3206 of the American Rescue Plan Act of 2021 ("the ARP") to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020 through qualified expenses related to mortgages and housing. Indiana's Homeowner Assistance Fund ("IHAF") administered by the Indiana Housing and Community Development Authority ("IHCDA") will offer a Mortgage Assistance Program ("MAP") to qualifying homeowners who have experienced a financial hardship associated with the coronavirus pandemic. MAP will provide up to $35,000 in primary mortgage assistance as set forth below. 1. For qualifying homeowners whose monthly mortgage payments and/or related expenses are unaffordable based on their current household income, IHCDA may provide temporary monthly assistance to cover the homeowner's first mortgage payment and/or related expenses ("Monthly Assistance"). 2. For qualifying homeowners whose financial hardship caused or contributed to an accumulated mortgage and/or related expenses delinquency (including lender forbearance) that they cannot pay, and whose mortgage payments and/or related expenses are unaffordable based on their current household income, IHCDA may provide assistance to bring the homeowner's mortgage current, followed by temporary monthly assistance to cover the homeowner's first mortgage payment or related expenses ("Monthly Assistance with Reinstatement") 3. For qualifying homeowners whose financial hardship caused, or contributed to, an accumulated mortgage and/or related expenses delinquency (including lender forbearance) that they cannot pay, but whose monthly mortgage and/or related expense payment is otherwise affordable based on the homeowner's current monthly household income (excluding unemployment insurance benefits), IHCDA may provide assistance to bring the homeowner's mortgage and/or related expenses current ("Reinstatement Only

	Assistance”).
Program Goals	Provide financial relief to eligible homeowners by helping them eliminate or reduce the past due payments associated with their COVID-19 hardships. MAP will mitigate the need for large reinstatement dollars to be repaid by eligible, income-qualified homeowners.
Program Allocation (excludes administrative expenses)	(estimated) $142.73 Million
Targeted Population of Homeowners and Financial Challenges Program Seeks to Address	Eligible homeowners with a qualified hardship may have incomes equal to or less than 140% of the Area Median Income, adjusted for household size. The following populations will receive priority funding: At least sixty percent (60%) to eligible homeowners with equal to or less than 100% of the Area Median Income for their household size or National Median Income, whichever is greater, as required by the American Rescue Plan, and The remaining amount to eligible “socially disadvantaged” homeowners with incomes equal to or less than 140% Area Median Income. Absent and subject to further guidance from the UST, “socially disadvantaged” is presumed to mean homeowners who self-report as Black Americans, Hispanic Americans, Native Americans, and Asian Americans and Pacific Islanders. The program will include targeted partnerships with local media, faith-based organizations and other trusted advisors that can connect with underserved communities and promote utilization of this resource.
Eligible Homeowners	Eligible Homeowners for the Mortgage Assistance Program must meet the following criteria: • Homeowner must have experienced a Qualified Financial Hardship on or after January 21, 2020 associated with the coronavirus pandemic. • Homeowner must have owned the home on or before January 1, 2020. • Homeowner must currently own and occupy the property as their primary residence. • Homeowner must meet the Homeowner Income Eligibility Requirements. • Homeowner must attest that they experienced a financial hardship after January 21, 2020. The attestation must describe the nature of the financial hardship. • Homeowners who have previously filed for bankruptcy but who are no longer in bankruptcy must provide proof of court ordered “discharge” or “dismissal”. • Homeowner must complete and sign Affidavit, Application, Disclosures, and 3rd Party Authorization forms. • Homeowner agrees to provide all necessary documentation to satisfy

	program guidelines within timeframes established by IHCDA, including self-certification or attestation of socially disadvantaged status, as applicable. • The original, unpaid principal balance of the homeowner's first mortgage or housing loan, at the time of origination, was not greater than the conforming loan limit in effect at time of origination. Co-owners are not permitted to separately apply for program assistance.
Eligible Legal Ownership Structures	"Eligible Legal Ownership Structures" include only the following: • Those where the home is owned by a "natural person" (i.e., LLP, LP or LLC do not qualify) • Those where the homeowner has transferred their ownership right into non- incorporated, Living Trusts, provided the homeowner occupies the home as the primary/principal residence.
Qualified Financial Hardship	A "Qualified Financial Hardship" is a material reduction in income, medical hardship, or death associated with the coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, or foreclosure for a homeowner. The hardship MUST have occurred on or after January 21, 2020.
Homeowner Income Eligibility Requirements	With respect to all borrowers: • Must own only one mortgaged home in the State of Indiana; • Must submit an affidavit and supporting documentation identifying a COVID-19-related financial hardship that occurred on or after January 21, 2020; • Current household income must be at or below 140% of AMI, adjusted for borrower household size; In addition, one of the following must apply: For Monthly Assistance or Monthly Assistance with Reinstatement borrowers: 1. Lender validated monthly first mortgage payment must exceed 25% of the borrower's gross monthly household income, excluding unemployment insurance benefits, and 2. Following the reinstatement portion of assistance, if applicable, there must be sufficient funds available within the Maximum Household Assistance cap to allow IHCDA to make at least 3 monthly mortgage payments to the servicer. or: For Reinstatement-Only borrowers: 3. Must have a current maximum front-end housing debt-to-income ratio of 38%;
Homeowner Prioritization	To the extent possible, IHCDA will prioritize assistance to homeowners who have Federal Housing Administration ("FHA"), Department of Veterans Affairs ("VA"), or U.S. Department of Agriculture ("USDA") mortgages and homeowners who have mortgages made with the proceeds

	of mortgage revenue bonds or other mortgage programs that target low- and moderate-income borrowers.
Eligible Properties	"Eligible Properties" are those that are: • Single-family (attached or detached) properties • Condominium units • 1 to 4-unit properties where the homeowner is living in one of the units as their primary residence. • Manufactured homes permanently affixed to real property and taxed as real estate
Eligible Uses of Mortgage Assistance Program Proceeds	Housing obligations as listed below are eligible uses of MAP funds • Existing first mortgage lien loan payment (principal and interest), escrow shortages. • Homeowner's association fees, condominium association fees or common charges, including for lien extinguishment. • Homeowner's hazard, flood and/or mortgage insurance • Delinquent property taxes • De minimis lender-assessed fees
Maximum Per Household HAF Assistance	IHCDA will not exceed its "Maximum Per Household IHAF Assistance" amount of $35,000 per household. Additionally, MAP assistance is limited to one (1) time, per household. *[Note: This DOES NOT preclude IHCDA from providing additional assistance under subsequently developed programs, however the sum-total of assistance provided under MAP plus any subsequent program shall not exceed $35,000.]*
Structure of Assistance	All assistance is structured as a forgivable, non-recourse, non-amortizing loan, secured by a junior lien on the property. The loan has a term of 5 years. The first 20% of the loan will be forgiven Twelve (12) months after the loan closing. The remainder of the loan will be forgiven at a rate of 20% per annum thereafter. If the borrower sells the property before the loan is fully forgiven, all net sale proceeds, up to the full outstanding principal balance at the time of sale, will be due and payable to IHCDA.
Payout of HAF Assistance	• IHCDA will disburse HAF assistance directly to mortgage lender/servicer, county treasurer or local taxing authority, and condominium/homeowners' association. • IHCDA will make no more than one disbursement to each payee under the reinstatement only program unless payee notifies IHCDA of a payment shortage. • IHCDA will make no more than six (6) months of monthly mortgage payments directly to the lender under the monthly assistance program, and a one-time payment to the county treasurer or local taxing authority, and condominium/homeowners' association. • IHCDA will disburse the amount quoted by the lender/servicer;

	any discrepancies to be resolved by the homeowner and lender/servicer. • If homeowner's past due amount exceeds the amount that IHCDA can provide, homeowner may pay the difference directly to IHCDA prior to or at IHAF loan closing.
Program Launch	The program will launch during the third quarter of 2021 (Q3-2021).
Program Duration	The period of performance for the HAF award ends September 30, 2026. IHCDA plans to disburse all funds by June 30, 2026.
Application Process	Homeowners will apply electronically using an online application portal procured by IHCDA. Accommodations may be made for applicants who are unable to apply electronically.
Required Application Documents	• HAF application • Third Party Authorization ("TPA") and Disclosure Form • Qualifying hardship attestation and supporting documentation from homeowner certifying and identifying the eligible hardship and that it occurred on or after January 21, 2020, as required • Mortgage Statement for each lien (e.g., first mortgage, second mortgage, down payment assistance mortgage). • Income documentation; W2's, paystubs, previous years' tax returns or alternative income documents as applicable.
Eligibility Determination	IHCDA anticipates outsourcing eligibility determination to a qualified vendor. IHAF staff will train and monitor vendor personnel.
Quality Control (QC)	IHCDA will ensure program integrity by undertaking random reviews of eligibility determinations. 100% review of all declined/withdrawn applications will occur. IHCDA anticipates reviewing approved applications starting with 10% of each eligibility underwriter's application volume, then decreasing to a minimum of three cases per week. In addition, IHCDA will contract with a qualified vendor to provide evaluation and monitoring of IHAF internal controls.
Program Partner Requirements	Lender/servicers will be required to execute a HAF Partner agreement and agree to communicate using the Common Data File ("CDF") format to be provided by Treasury.
Program Exclusions	• Open "line of credit" loans. • Vacant, abandoned, or condemned properties • Properties for which the occupant is not the deeded owner (except properties held in non-incorporated, Living Trusts) • Properties owned by Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, or other incorporated entities • Properties located outside the State of Indiana

Exhibit I

Policy for Participation by Members of the IHCDA Board of Directors in Board Meetings by Simultaneous Electronic Communication

This shall constitute the Policy for Participation by Members of the IHCDA Board of Directors in Board Meetings by Simultaneous Electronic Communication ("this Policy") of the IHCDA Board of Directors ("Board"), adopted pursuant to Indiana Code 5-14-1.5-3.6, governing participation in the Board's meetings by electronic communication. Nothing in this Policy shall affect the public's right under Indiana Code 5-14-1.5 to attend a meeting of the Board at the place where the meeting is conducted and at which the minimum number of Board Members are physically present as provided herein. Nothing in this policy shall affect the Board's right to exclude the public from an executive session, permitted pursuant to Indiana Code 5-14-1.5, in which a Member participates by electronic communication in accordance with this Policy. The Executive Director shall post a copy of this Policy on the Authority's website.

(A) At any meeting of the Board at which at least three (3) of the Members of the Board are physically present at the place where the meeting is conducted, a Member who is not physically present at such meeting of the Board may participate in such meeting by means of electronic communication only if:

(1) the Member uses a means of communication that permits: (a) the Member, (b) all other Members of the Board participating in such meeting; and (c) all members of the public physically present at the place where the meeting is conducted; to simultaneously communicate with each other during the meeting; and

(2) all votes of the Board during the electronic meeting are taken by roll call vote.

(B) Each Member of the Board is required to physically attend at least one (1) meeting of the Board annually.

(C) Subject to the requirements of paragraph (A) above, a Member who participates in a meeting by electronic communication in accordance with this Policy: (1) is considered to be present at the meeting; (2) shall be counted for purposes of establishing a quorum; and (3) may vote at the meeting.

(D) The minutes of such meeting, prepared pursuant to Indiana Code 5-14-1.5-4, shall state the name of each Member who: (1) was physically present at the place where the meeting was conducted; and (2) participated in such meeting by means of electronic communication permitted under this Policy.

(E) Any Member who desires to participate in a meeting of the Board by means of electronic communication in accordance with this Policy shall notify the IHCDA Board Secretary at least two (2) days in advance of such meeting, in order for notification to be made to the Board Chair and to allow for arrangements to be made for the Member's participation in such meeting by electronic communication.

(F) Notwithstanding anything herein to the contrary, no member of the public shall have any right to attend or be present at the place or location at which a Member is physically present and participates in a meeting of the Board by means of electronic communication in accordance with this Policy.

EXHIBIT J

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1437

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~For~~ **As used in** ~~the purposes of~~ this chapter:

(1) "electronic signature" has the meaning set forth in IC 26-2-8-102(10);

(2) "obligations" shall include any bond, note, warrant, or other obligation; and

~~(a)~~ **(3)** "public entity" shall include any political subdivision as defined by IC 36-1-2, state commission, state authority, and all other public bodies corporate and politic.

~~(b) "Obligations" shall include any bond, note, warrant, or other obligation.~~

SECTION 2. IC 5-1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Whenever any existing statute requires the manual execution, attesting or authentication of any obligation issued by any public entity named in IC 5-1-1-1 by one (1) or more officials or persons, facsimile signatures **or electronic signatures** of ~~such~~ **the** officials or persons may be used instead of and with the same force and effect as manually executing ~~such~~ **the** obligations, ~~One (1) signature on the obligation shall be manual and may be either~~ **including** the signature of ~~one (1) of~~ the officials or persons or of any trustee, paying agent, registrar, co-registrar, transfer agent, or other fiduciary charged with authenticating the obligations.

(b) Any obligation executed by the facsimile signature **or electronic signature** of officials or persons is valid and binding, if the officials or persons satisfied the provisions of the statute under which the obligation is issued on the date that the signature was printed on the obligation, even if the obligation is delivered after the official or person whose facsimile signature **or electronic signature** appears thereon no longer satisfies the provisions of the statute.

SECTION 3. IC 5-1-14-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. As used in this chapter, "obligations" has the meaning set forth in ~~IC 5-1-3-1(b).~~ **IC 5-1-3-1(2).**

SECTION 4. IC 5-1-14-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. In connection with the issuance by the issuer of any obligation described in IC 5-1-1-1(b), the execution of the obligation (including any contract, certificate, or other document executed on behalf of the issuer in connection with the execution of the obligation) using electronic signatures rather than manual signatures shall be considered fully legal and valid for all purposes with the same force and effect as if the execution were performed with manual signatures.**

SECTION 5. IC 5-14-1.5-3.5, AS AMENDED BY P.L.154-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision, other than a governing body of an airport authority or a department of aviation as set forth in section 3.6 of this chapter.

(b) **Subject to subsection (i),** a member of the governing body of a public agency who is not physically present at a meeting of the governing body ~~but who communicates with members of the governing body during the meeting by telephone, computer, video conferencing, or any other electronic means of communication:~~

~~(1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and~~

~~(2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute.~~

~~(c) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by using a means of communication described in subsection (b) must state the name of:~~

~~(1) each member who was physically present at the place where the meeting was conducted;~~

~~(2) each member who participated in the meeting by using a means of communication described in subsection (b); and~~

~~(3) each member who was absent.~~

may participate in a meeting by any electronic means of communication that does the following:

(1) Allows all participating members of the governing body to simultaneously communicate with each other.

(2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

(c) A technological failure in an electronic means of communication that disrupts or prevents:

(1) the simultaneous communication between a member who is not physically present at the meeting and the governing body; or

(2) a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the governing body from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the governing body members physically present at the meeting and the governing body members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the governing body.

(d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section. The policy adopted under this section may include:

(1) limiting the number of members who may participate by electronic communication in any one (1) meeting;

(2) limiting the total number of meetings that the governing body may conduct in a calendar year by electronic communication; and

(3) requiring a member, except in the case of a meeting called to deal with an emergency under section 5(d) of this chapter, who plans to attend a meeting by any electronic means of communication to notify the presiding officer within a certain period of time before the meeting, as specified by the governing body, so that arrangements may be made for the member's participation by electronic communication.

(e) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by an electronic means of communication must:

(1) state the name of each member of the governing body who:

(A) was physically present at the place where the meeting was conducted;

(B) participated in the meeting by using any electronic means of communication; and

(C) was absent; and

(2) identify the electronic means of communication by which:

(A) members of the governing body participated in the meeting; and

(B) the public attended and observed the meeting, if the meeting was not held in executive session.

(f) All votes taken during a meeting under this section must be taken by roll call vote.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.

(h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

(1) military service;

(2) illness or other medical condition;

(3) death of a relative; or

(4) an emergency involving actual or threatened injury to persons or property.

(i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:

(1) adopt a budget;

(2) make a reduction in personnel;

(3) initiate a referendum;

(4) establish or increase a fee;

(5) establish or increase a penalty;

(6) use the governing body's eminent domain authority; or

(7) establish, raise, or renew a tax.

(j) A governing body may not prohibit a member of the governing body from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

(1) military service;

(2) illness or other medical condition;

(3) death of a relative; or

(4) an emergency involving actual or threatened injury to persons or property.

SECTION 6. IC 5-14-1.5-3.6, AS AMENDED BY P.L.237-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) This section applies only to a governing body of the following:

(1) A charter school (as defined in IC 20-24-1-4).

(2) A public agency of the state, including a body corporate and politic established as an instrumentality of the state.

(3) An airport authority or a department of aviation under IC 8-22.

(b) A member of a governing body who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:

(1) the member;

(2) all other members participating in the meeting;

(3) all members of the public physically present at the place where the meeting is conducted; and

(4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication;

to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:

(1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution, by the commission for higher education, by the board of the Indiana economic development corporation, or by the board of directors

of the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1. **This subdivision does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both.** The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:

(A) two (2) of the members; or

(B) one-third (1/3) of the members.

(2) All votes of the governing body during the electronic meeting must be taken by roll call vote.

Nothing in this section affects the public's right under this chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually. **This subsection does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both.**

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

(1) meets all requirements of this chapter; and

(2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.

(g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

(1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication

within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication.

(3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.

(4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.

(5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this subdivision, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

(A) the member votes with the majority; and

(B) the official action is adopted or defeated by one (1) vote.

(6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.

(9) Provide that a member participating by electronic communication may vote on official action only if, subject to

subsection (e), a specified number of members:

(A) are physically present at the location where the meeting is conducted; and

(B) concur in the official action.

(10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.

(h) The policy adopted by the governing body must be posted on the Internet web site of the governing body, the charter school, the airport, or the public agency.

(i) Nothing in this section affects a public agency's or charter school's right to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 7. IC 5-14-1.5-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) This section applies only if:**

(1) the governor declares a disaster emergency under IC 10-14-3-12; or

(2) the executive (as defined in IC 36-1-2-5) of a political subdivision declares a local disaster emergency under IC 10-14-3-29.

(b) Notwithstanding section 3.5 or 3.6 of this chapter, the members of a governing body are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated. The members of a governing body may meet by any means of electronic communication, if the following are satisfied:

(1) At least a quorum of the members of the governing body participate in the meeting by means of electronic communication or in person.

(2) The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

(c) The memoranda for a meeting prepared under section 4 of this chapter for a meeting held under this section must:

(1) state the name of each member of the governing body who:

(A) participated in the meeting by using any electronic means of communication; and

(B) was absent; and

(2) identify the electronic means of communication by which:

(A) members of the governing body participated in the meeting; and

(B) the public attended and observed the meeting, if the meeting was not held in executive session.

(d) All votes taken during a meeting under this section must be taken by roll call vote.

SECTION 8. IC 6-9-38-9, AS ADDED BY P.L.214-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. As used in this chapter, "obligations" has the meaning set forth in ~~IC 5-1-3-1(b).~~ **IC 5-1-3-1(2).**

SECTION 9. IC 8-1-2.2-31, AS ADDED BY P.L.179-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) **Except as provided in subsection (e),** ~~this section applies to a meeting of the board of commissioners of a joint agency at which~~ at least a quorum of the board ~~is~~ **must be** physically present at the place where ~~the meeting is conducted.~~ **a meeting of the board of commissioners of a joint agency is conducted.**

(b) A member of the board of commissioners of a joint agency may participate in a meeting of the board of commissioners by using a means of **electronic** communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the board of commissioners of a joint agency who participates in a meeting by using a means of communication described in subsection (b) is considered to be present at the meeting.

(d) The memoranda of a meeting of the board of commissioners of a joint agency prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent.

(e) This subsection applies if the governor declares a disaster emergency under IC 10-14-3-12, or a local disaster emergency is declared under IC 10-14-3-29. The board of commissioners of a joint agency may meet without any members of the board of commissioners being physically present at the meeting until ninety (90) days after the disaster emergency or local disaster emergency is terminated, if the members participate by means of electronic

communication in the manner set forth in subsection (b). A member of the board of commissioners of a joint agency who participates in a meeting in accordance with this subsection is considered to be present at the meeting. The board shall prepare a memoranda of the meeting as set forth in subsection (d).

SECTION 10. **An emergency is declared for this act.**