

## CHDO CHECKLIST

The information contained in this checklist refers to the definition of Community Housing Development Organizations (CHDOs) in Subpart A, Section 92.2 of the HOME Interim Rule. The checklist should be used as a tool to educate participating jurisdictions about the documents they must receive from a nonprofit before it may be certified as a CHDO.

CHDO Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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### I. LEGAL STATUS

A. The nonprofit organization is organized under State or local laws, as evidenced by:

\_\_\_\_\_ a Charter, OR Location: \_\_\_\_\_  
 \_\_\_\_\_ Articles of Incorporation.

B. No part of its net earning inure to the benefit of any member, founder, contributor, or individual, as evidenced by:

\_\_\_\_\_ a Charter, OR Location: \_\_\_\_\_  
 \_\_\_\_\_ Articles of Incorporation.

C. Has a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986, as evidenced by:

\_\_\_\_\_ a 501(c) Certificate from the IRS Location: \_\_\_\_\_

D. Has among its purposes the provision of decent housing that is affordable to low- and moderate- income people, as evidenced by a statement in the organization's:

\_\_\_\_\_ Charter, Location: \_\_\_\_\_  
 \_\_\_\_\_ Articles of Incorporation,  
 \_\_\_\_\_ By-laws, OR  
 \_\_\_\_\_ Resolutions.

## II. CAPACITY

- A. Conforms to the financial accountability standards of attachment F of OMB Circular A-110, Standards for Financial Management Systems, as evidenced by:

\_\_\_\_\_ a notarized statement by the president, or chief financial officer of the organization;  
\_\_\_\_\_ a certification from a Certified Public Accountant, OR  
\_\_\_\_\_ a HUD approved audit summary.

Location: \_\_\_\_\_

- B. Has demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by:

\_\_\_\_\_ resumes and/or statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with HOME funds

HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO. Staff does not include volunteers, board members, or consultants.

Location: \_\_\_\_\_

- C. Has a history of serving the community where housing to be assisted with HOME funds will be used, as evidenced by:

\_\_\_\_\_ a statement that documents at least one year of experience in serving the community, OR,  
\_\_\_\_\_ for newly created organizations formed by local churches, service or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community.

Location: \_\_\_\_\_

The CHDO, or its parent organization, must be able to show one year of serving the community from the date the participating jurisdiction provides HOME funds to the organization. In the statement, the organization must describe its history (or its parent organization's history) of serving the community by describing activities which it provided (or its parent organization provided), such as, developing new housing, rehabilitating existing stock and managing housing stock, or delivering non-housing services that have had lasting benefits for the community, such as counseling, food relief, or childcare facilities. The statement must be signed by the president of the organization or by a HUD approved representative.

### III. ORGANIZATIONAL STRUCTURE

- A. Maintains at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhoods organizations as evidenced by the organization's:

\_\_\_\_\_ By-laws, Charter, OR  
\_\_\_\_\_ Articles of Incorporation.

Location: \_\_\_\_\_

Provide a current list of board of directors which includes the date each member accepted the role, the date their term expires, and identify the members that are low-income community representatives

Location: \_\_\_\_\_

Under the HOME program, for urban areas, the term "community" is defined as one or several neighborhoods, a city, county, or metropolitan area. For rural areas, "community" is defined as one or several neighborhoods, a town, village, county, or multi-county area (but not the whole state), provided that the governing board contains low-income residents from each of the multi-county areas.

Service Area: \_\_\_\_\_

- B. Provides a formal process for low-income, program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development, and management of all HOME- assisted affordable housing projects, as evidenced by:

\_\_\_\_\_ the organization's By-  
\_\_\_\_\_ laws, Resolutions, OR  
\_\_\_\_\_ a written statement of operating procedures approved by the governing body.

Location: \_\_\_\_\_

- C. A CHDO may be chartered by a State or local government; however, the State or local government may not appoint; (1) more than one-third of the membership of the organization's governing body; (2) the board members appointed by the State or local government may not, in turn, appoint the remaining two-thirds of the board members; and (3) no more than one-third of the governing board members are public officials, as evidenced by the organization's:

\_\_\_\_\_ By-laws,  
\_\_\_\_\_ Charter, OR  
\_\_\_\_\_ Articles of Incorporation.

Location: \_\_\_\_\_

The CHDO must be separate from and not under the control of a governmental entity. A governmental entity is permitted to create a CHDO, but it is not permitted to control the CHDO by providing its employees to the CHDO as staff or officers.

- D. If the CHDO is sponsored or created by a for-profit entity, the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members, as evidenced by the CHDO's:

\_\_\_\_\_ By-laws,  
\_\_\_\_\_ Charter, OR  
\_\_\_\_\_ Articles of Incorporation.

Location: \_\_\_\_\_

No owner, developer, or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor) whether private, for-profit or nonprofit (including a community housing development organization (CHDO) when acting as an owner, developer, or sponsor) may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

#### **IV. RELATIONSHIP WITH FOR-PROFIT ENTITIES**

- A. Is not controlled by, nor receives directions from, individuals or entities seeking profit from the organization, as evidenced by:

\_\_\_\_\_ the organization's By-laws, OR  
\_\_\_\_\_ a Memorandum of Understanding (MOU).

Location: \_\_\_\_\_

- B. A Community Housing Development Organization may be sponsored or created by a for-profit entity, however:

- (1) the for-profit entity's primary purpose does not include the development or management of housing, as evidenced:

\_\_\_\_\_ in the for-profit organization's By-laws AND;

- (2) the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced in the CHDO's:

\_\_\_\_\_ By-laws,  
\_\_\_\_\_ Charter, OR  
\_\_\_\_\_ Articles of Incorporation.

Location: \_\_\_\_\_

If a for-profit entity creates or sponsors a nonprofit entity that seeks designation as a CHDO, the officers and employees of the for-profit entity are prohibited from serving as officers or employees of the CHDO, and the nonprofit entity is prohibited from using the office space of the for-profit entity.

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Date Reviewed:\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

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Date agreement sent: \_\_\_\_/\_\_\_\_/\_\_\_\_

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HOMER 9.0.66

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