















- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- The site and neighborhood must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, Executive Order 11063, and implementing HUD regulations.
- The site must not be located in an area of minority concentration and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

In addition, the Department will not approve new construction of rental housing proposed in an area of low-income concentration.

### **16.2.5 Housing Visitability**

All ground floor units must be visitable to the maximum extent feasible, unless doing so would impose an undue financial burden on the project. A visitable design provides that new single-family homes, duplexes, and triplexes are more accessible and usable to persons with disabilities. Housing units built to visitable standards have features that allow a person using a wheelchair or other mobility device to visit without any special assistance and are more easily modified should a resident need adaptation in the future.

The Department uses the Nebraska Assistive Technology Partnership definition of visitability:

The requirements include having at least one no-step/zero grade entrance with a 36” door into the unit’s main floor, minimum 32” clear space opening in interior doorways, minimum 36” wide hallways, a first floor bathroom which allows for wheelchair access (while maintaining privacy), reinforcement in bathroom walls to permit future installation of grab bars, and modification in the locations of light switches, electrical outlets and environmental controls.

### **16.2.6 Other Federal Requirements**

The requirements of Part II apply to rental housing. See Attachment #3 for further details.

- The threshold for Davis-Bacon is 12 or more HOME-assisted units in a construction contract.

## **16.3 Using HOME with Other Funds**

### **16.3.1 Combining Low Income Housing Tax Credits with HOME**

There are essentially four ways HOME funds can be used with low-income housing tax credits:



- Market Rate Loan – If the HOME funds are provided at or above the applicable federal rate, these funds are not treated like a federal subsidy. The project qualifies for the 9% credit for eligible improvement costs and is eligible for the 130 percent basis for projects in "qualified census tracts" or "difficult development areas" (QCT/ DDA).
- Below Market Rate Loan with 9% Credit – If HOME funds are provided at an interest rate below the applicable federal rate, they may still be counted in the eligible basis and the project may receive a 9% credit if the project meets stricter occupancy requirements. The project may receive the 9% credit if 40% of the residential rental units are occupied by tenants with incomes at or below 50% of the area median income. However, such projects are not eligible for the 130 percent basis for projects in "qualified census tracts" or "difficult development areas".
- Below Market Rate Loan with 4% Credit – Some projects qualify only for a 4% credit regardless of the way HOME funds are invested in the project. For example, a project with other Federal or tax-exempt mortgage revenue bond funds included in the basis is only eligible for a 4% credit under any circumstance, so HOME funds can be lent at any below market interest rate terms without consequence to the credit.
- Grant – HOME funds may be provided in the form of a grant, but they may not be counted in the eligible basis for the project, and therefore do not contribute to the credits for which the project is eligible. Therefore, a loan instrument is generally preferable to a grant. (Note that deferred payment loans are generally permissible provided the debt service accrues and there is a reasonable expectation that the loan can be repaid no later than when the loan matures.) In some cases, however, a grant of a small amount of HOME funds may be preferable to a below market interest rate loan, particularly if the project is eligible for the 130% QCT/ DDA basis. Some experts have estimated that it could be more cost effective to provide a HOME investment of up to 20% of basis as a grant rather than a loan in such circumstances.

Projects using HOME funds with Low Income Housing Tax Credits have to consider a number of items in blending the two sets of program rules. The following chart provides an overview of tax credit rules and the requirements for combining the two programs.

**Summary of Requirements when Combining HOME with Tax Credits**

|                               | <b>Tax Credit Program Rules</b>   | <b>Combining Tax Credits with HOME</b>  |
|-------------------------------|---|---|
| <b>Occupancy Requirements</b> | At least 20 percent of assisted units must be reserved for households with incomes at or below 50 percent of area median;<br><br>OR | The most restrictive income targeting requirements apply to the project. For instance, if HOME funds are provided at below the market interest rate, at least 40 percent of the units must be reserved for households with incomes at or below 50 percent of the area |

|  |  |  |
|--|--|--|
|  | 40 percent of the units must be reserved for households with incomes at or below 60 percent of area median income.   | median income to qualify for the 9 percent credit.<br>Otherwise, on projects with 5 or more HOME-assisted units at least 20 percent of the units must serve households with incomes at or below 50 percent of area median income (to meet HOME requirements).                                      |
| <b>Rent Requirements</b>               | Rents for qualified units must not exceed the rent limit set for the LIHTC program. These limits are set by bedroom size and are based on the qualifying incomes of an imputed household size. They are provided by the Nebraska Investment Financing Authority (NIFA).  | For units to qualify as both tax credit and HOME-assisted units, rents cannot exceed either program limit. Low HOME rent units are subject to Low HOME rents and tax credit limits and High HOME rent units are subject to High HOME rents and tax credit limits.                                  |
| <b>Establishing Tenant Eligibility</b> | <i>Documentation</i> --Tenants must provide acceptable documentation of income from a third-party source. All sources of income are verified.<br><i>Definitions</i> --The tax credit program defines income using the Section 8 definition of annual (gross) income.<br><i>Asset Income</i> --Assets \$5000 or less: tenants certify asset amount and income. Use actual income. Assets above \$5000: verify amount and income. Use larger of actual income from assets or imputed asset income. | <i>Documentation</i> --Initial tenant eligibility documentation for both programs is the same.<br><i>Definitions</i> --The Department also requires the use of the Section 8 definition of income for HOME.<br><i>Asset Income</i> --Follow more stringent HOME rules and verify all asset income. |

|                                 | <b>Tax Credit Program Rules</b>   | <b>Combining Tax Credits with HOME</b>   |
|---------------------------------|---|--|
| <b>Reexaminations of Income</b> | Reexaminations are performed annually following the same procedures as at initial certification; however, an owner may request a waiver from NIFA for reexamination requirements if all units in the project are tax credit units.  | Tax credit/ HOME projects may request waivers from NIFA in order to perform reexaminations similar to HOME. Otherwise, the project must follow the more stringent tax credit requirements. |
| <b>Over-Income Tenants</b>      | Rent for over-income tenants remains restricted. An owner <i>may</i> increase an over-income tenants rent, but <i>only after</i> the unit is replaced with another low-income unit in the project, thereby keeping the portion of low-income units above the minimum amount required for the owner to be eligible for the credit.<br>"Over-income" is defined as above 140 percent of the project income limit. | HOME rules defer to tax credit rules -- rent remains restricted. (In other words, in no case can the rent exceed limits set by the tax credit program).                                    |
| <b>Monitoring</b>               | Projects are monitored annually throughout the affordability period.<br>Statement of compliance is submitted annually with documentation of occupancy.<br>On-site inspections are conducted by NIFA.  | The Department and NIFA will each monitor according to their program requirements.   |

### **Occupancy Requirements**

Tax credit projects must set aside at least 20 percent of their units for tenants with incomes at or below 50 percent of the area median (20/ 40 set-aside) or 40 percent of their units for tenants with incomes at or below 60 percent of the area median income (40/ 60 set-aside). When combining HOME and tax credits, occupancy requirements depend on the type of credit taken and the type of HOME funding provided:

In order to take the 9 percent credit in conjunction with below-market-rate HOME funds, joint HOME/ tax credit projects must meet a higher occupancy standard than either the tax credit program or the HOME program alone requires 40 percent of the units must be occupied by tenants with incomes at or below 50 percent of area median. (However, such projects are not eligible for the 130 percent increase in basis for projects in "qualified census tracts" or "difficult development areas."

To receive the 130 percent increase, the project must either take the four percent credit, or use the HOME funds at or above the applicable federal rate.)

In all other cases, projects must ensure that they meet both sets of program rules. For example, a project receiving a market rate loan can comply with both sets of rules by establishing a 20 percent set-aside for households with incomes at or below 50 percent of the area median income (as long as all remaining HOME-assisted units are leased to tenants with incomes at or below 80 percent of the area median income).

Of course, projects may choose and may be required to exceed these standards. Owners/developers of tax credit projects will generally try to maximize their credits by creating higher set-asides for qualified occupants.

### **Rents**

When combining the two types of funding, two sets of rent rules apply.

Qualified tax credit units must not exceed tax credit rent limits, while HOME-assisted units must meet HOME rent requirements. If a unit is being counted under both programs, the stricter rent limit applies:

- Low HOME rent units are subject to the lower of the Low HOME rent and the tax credit rent.
- High HOME rent units are subject to the lower of the High HOME rent and the tax credit rent.

When tenants receive additional subsidy through rental assistance programs such as Section 8, additional requirements apply.

- HOME allows the rent to be raised to the rental assistance program limit only if the tenant pays no more than 30 percent of adjusted income, the subsidy is project-based (not tenant-based), and the tenant's income is less than 50 percent of the area median income.
- Tax credit rules state that if the rental assistance program rent limit exceeds the tax credit rent, the unit rent may be raised to the higher limit as long as tenants pay no more than 30 percent of their adjusted monthly income for housing costs.
- In a joint tax credit/ HOME-assisted unit, the stricter HOME requirements would apply.

### **Establishing Tenant Eligibility**

Both the HOME and tax credit programs require project owners to certify tenants' incomes, to ensure that they are income-eligible and that the project is in compliance with initial occupancy requirements.

- To demonstrate eligibility under both programs, property managers must have tenants certify their income, and obtain supporting documentation. This documentation must be kept in project unit files for review by the monitoring agencies.

- Under tax credit rules the Section 8 definition of annual (gross) income is used.
- The Department requires the use of the Section 8 definition of annual (gross) income for HOME projects.

A difference between HOME and tax credit rules is that HOME requires verification of all asset income, whereas the tax credit rules require verification of asset income if the household's assets are greater than \$5,000. For total assets of less than \$5,000, the tax credit program allows tenants to provide a signed statement of asset income.

A tenant in a unit subsidized by both sources of funds would have to comply with the stricter HOME requirements.

### **Reexaminations of Tenant Eligibility**

The tax credit program does not allow alternative methods of tenant recertification allowed under the HOME program.

For projects with both HOME funds and tax credits, owners may seek a project waiver from the state allocating agency to allow certification documentation similar to HOME. Alternatively, the project must comply with the tax credit rules (and, thus, automatically comply with the HOME requirements).

### **Over-Income Tenants**

The HOME and tax credit programs have slightly different approaches to over-income tenants. The definition of an over-income tenant differs under the two programs. Tax credit rules define "over-income" as having income above 140 percent of the project income limit.

Under HOME, the tenants are considered over-income if their income rises above 80 percent of area median income.

Further, unlike under HOME, the rent remains restricted under the tax credit program. An owner may increase an over-income tenant's rent, but only **after** the unit is replaced with another low-income unit in the project, thereby keeping the portion of low-income units above the minimum amount required for the owner to be eligible for the credit. To resolve this conflict, HOME rules state that when funds from both programs are used on the same unit, the tax credit rules should be followed.

### **Monitoring**

Both programs require annual monitoring to ensure compliance with program rules over the length of a pre-established affordability period. The Department and the Nebraska Investment Finance Authority will each monitor according to their program requirements.

## **16.3.2 Using Nebraska HOME and Local PJ HOME Funds**

A project's financing may include Nebraska HOME funds and Lincoln or Omaha HOME funds. In this case, the subsidy levels, HOME-assisted unit designation, allocating costs in the project,

and other related items must be decided cooperatively between the department and the local HOME PJ to ensure that all HOME requirements are met cumulatively prior to project approval.

### 16.3.3 Using HOME and Other Local, State and Federal Subsidy Programs

Nebraska HOME funds may be used with other subsidy programs, including but not limited to, Lincoln and Omaha Community Development Block Grant programs, USDA- Rural Development 515 and 538 programs, HUD 202 and 811 programs, Nebraska Energy Office interest buy-down programs, and Rehabilitation Tax Credits for historic buildings.

There are no circumstances where the HOME program specifically identifies one of these programs and defers requirements to other funding source requirements. Therefore, where both funding sources provide restrictions, the most restrictive requirement applies.

## 16.4 Long-Term Affordability

### 16.4.1 Affordability Period

HOME-assisted rental units carry rent and occupancy restrictions for varying lengths of time, depending upon the average amount of HOME funds invested per unit:

| ACTIVITY  | AVERAGE AMOUNT OF HOME FUNDS PER UNIT | MINIMUM AFFORDABILITY PERIOD |
|---|---------------------------------------|------------------------------|
| Rehabilitation or Acquisition of Existing Housing | <\$15,000 per unit                    | 5 years                      |
|   | \$15,000 - \$40,000 per unit          | 10 years                     |
|   | >\$40,000 per unit                    | 15 years                     |
| Refinance of Rehabilitation Project               | Any \$ amount                         | 15 years                     |
| New Construction or Acquisition of New Housing    | Any \$ amount                         | 20 years                     |

HOME affordability periods are minimum requirements. The Department may establish longer terms of affordability.

If a shorter affordability period is desirable on a project that does not include refinancing or new construction, the Department and applicant can take one of the following steps to minimize the HOME per-unit subsidy:

- The HOME subsidy could be reduced and replaced with other funds that do not have long-term requirements
- The developer may choose to designate a higher number of HOME-assisted units than required by the "floor" in order to reduce the HOME investment per unit.

*Example: The Department provided \$100,000 in HOME funds for the \$400,000 20-unit Excellent Housing Corporation rehabilitation project and required that five of the 20 units be designated HOME-assisted. Under this arrangement, Excellent Housing Corporation would be obligated to keep the development affordable for 10 years ( $\$100,000 \div 5 = \$20,000$  HOME funds per unit requiring a 10-year affordability period). If Excellent Housing Corporation designates 10 of the units as HOME-assisted, the per-unit HOME investment will be reduced to \$10,000 per-unit, requiring only a five-year affordability period.*

### **16.4.2 Land Use Restrictions**

Awardees must enforce rent and occupancy agreements through one of the following:

- Covenants running with the property
- Deed restrictions
- Other mechanisms approved by the Department and HUD
- The mechanisms to secure affordability restrictions must be recorded in accordance with State recordation laws.

Covenants and deed restrictions may be suspended upon transfer by foreclosure or deed-in-lieu of foreclosure.

The HOME Rule does allow for termination of affordability restrictions upon foreclosure or transfer in lieu of foreclosure as a means to encourage lenders to participate in the HOME program. However, the Department must repay the U.S. Department of Housing and Urban Development if HOME-assisted housing fails to meet the affordability requirements for the full affordability period without regard to the term of any loan or mortgage or the transfer of ownership, even in the event of foreclosure, transfer in lieu of foreclose or assignment to the U.S. Department of Housing and Urban Development. Therefore, the Department will require awardees to repay the Department the full amount of the HOME funds drawn for projects where affordability requirements are not met in full.

### **16.4.3 Long-Term Lease-Purchase**

HOME-assisted rental units may be converted to homeownership units with or without the use of additional HOME funds by having the owner of the rental units, sell, donate or otherwise convey the units to the existing tenants.

If additional HOME funds (direct assistance) are used to help the tenants become homeowners, the minimum period of affordability is the affordability period required by the amount of direct homeownership assistance provided.

If no additional HOME funds are used, the homeownership units are subject to resale provisions and to a minimum period of affordability equal to the remaining affordability period that would apply if the units continued as rental units.

## Attachment 1. SROs & Group Housing

| CATEGORY               | SRO   | GROUP  |
|------------------------|---|--|
| <b>Description</b>     | Single-room occupancy units (SROs) are single-room dwelling units with either sanitary and/ or food preparation area in the unit. If project is new construction or reconstruction, it may have both. If acquisition or rehabilitation, not required to have sanitary and food preparation areas. May have common facilities. NOT student housing.  | One unit with separate bedroom(s) and shared living, kitchen, dining, and/or sanitary facilities. Occupied by two or more single persons or families. NOT student housing.   |
| <b>Maximum Subsidy</b> | Based on zero-bedroom unit subsidy limit times number of HOME-assisted units; common area costs prorated based on % of HOME-assisted units.   | Based on number of bedrooms, including bedrooms of caretakers.   |
| <b>Targeting</b>       | All tenants of HOME-assisted units must be low-or very-low-income.  | All tenants, excluding live-in service providers, must be low-income.  |
| <b>Rents</b>           | <p>If the unit has neither food preparation nor sanitary facilities, or only one, the rent may not exceed 75 percent of the FMR for a zero-bedroom unit.</p> <p>If the unit has food and sanitary facilities, High and Low HOME rents apply. In projects with 5 or more units, 20% of the units should have Low HOME rents. Low HOME rents are defined for SROs as not more than 30 percent of the occupant's monthly adjusted income at 50% of the area median income, adjusted for family size.</p> | Maximum rent based on appropriate FMR (based on number of bedrooms excluding rooms occupied by live-in service providers); each household pays proportionate share of rent. There is no Low HOME rent requirement. |
| <b>Tenancy</b>         | Permanent and transitional rental housing.  | Permanent and transitional rental housing.   |



## **Attachment 2. Elder Cottage Housing Opportunity (ECHO) Units**

Elder Cottage Housing Opportunity (ECHO) units are small, free-standing, barrier-free, energy-efficient, removable and designed to be installed adjacent to existing single-family dwellings.

- The owner of an ECHO unit must be the owner-occupant of the single-family host property on which the ECHO unit will be located, or a non-profit organization.
- During the affordability period, the tenant must be a low-income family and an elderly or disabled family as defined in 24 CFR 5.403.
- HOME rental housing restrictions apply, except for the following:
  - Only one ECHO unit may be provided per host property.
  - The ECHO unit owner may choose whether or not to charge the tenant of the ECHO unit rent, but if a rent is charged, it must meet HOME requirements.
  - The ECHO unit must meet the HOME affordability restrictions. If within the affordability period the original occupant no longer occupies the unit, the ECHO unit owner must:
    - Rent the unit to another eligible occupant on site;
    - Move the ECHO unit to another site for occupancy by an eligible occupant; or

If the owner of the ECHO unit is the host property owner-occupant, the owner may repay the HOME funds in accordance with the Department's recapture provisions.

## **Attachment 3. Other Federal Requirements**

### **Non-Discrimination and Equal Access Rules**

**Fair Housing and Equal Opportunity – Yes**, must affirmatively further Fair Housing. Particular attention should be paid to signs of discrimination in leasing practices.

Regulatory Citations & References:

- ❑ 92.202 and §92.250
- ❑ Title VI of Civil Rights Act of 1964 (42 U. S. C. 2000d et. seq.)
- ❑ Fair Housing Act (42 U. S. C. 3601-3620)
- ❑ Executive Order 11063 (amended by Executive Order 12259)
- ❑ Age Discrimination Act of 1975, as amended (42 U. S. C. 6101)
- ❑ 24 CFR 5.105(a)

**Affirmative Marketing – Yes**, must have affirmative marketing requirements and procedures.

Regulatory Citations & References:

- ❑ 92.351

**Handicapped Accessibility – Yes.**

Regulatory Citations & References:

- ❑ Section 504 of the Rehabilitation Act of 1973 (implemented at 24 CFR Part 8)
- ❑ For multi-family buildings only, 24 CFR 100.205 (implements Fair Housing Act)

### **Employment and Contracting Rules**

**Equal Opportunity Employment – Yes**, contracts and subcontracts for more than \$10,000 must include language prohibiting discrimination.

Regulatory Citations & References:

- ❑ Executive Order 11246 (implemented at 41 CFR Part 60)

**Section 3 Economic Opportunity – Yes**, if amount of assistance exceeds \$200,000 OR contract or subcontract exceeds \$100,000.

Regulatory Citations & References:

- ❑ Section 3 of the Housing and Urban Development Act of 1968 (implemented at 24 CFR Part 135)

**Minority/Women Employment – Yes**

Regulatory Citations & References:

- ❑ Executive Orders 11625, 12432 and 12138
- ❑ 2 CFR 200.321

**Davis-Bacon – Yes, if construction contract includes 12 or more units that are HOME-assisted.**

Regulatory Citations & References:

- ❑ 92.354
- ❑ Davis-Bacon Act (40 U. S. C. 276a -276a-5)
- ❑ 24 CFR Part 70 (volunteers)
- ❑ Copeland Anti-Kickback Act (40 U. S. C. 276c)

**Conflict of Interest –Yes**

Regulatory Citations & References:

- ❑ 92.356
- ❑ 2 CFR 200 §§ .112; .318 and .319

**Debarred Contractors – Yes, check HUD's list of debarred contractors.**

Regulatory Citations & References:

- ❑ 24 CFR Part 5 (**SAM**)

**Other Federal Requirements**

**Environmental Reviews –Yes**

Regulatory Citations & References:

- ❑ 92.352
- ❑ 24 CFR Part 58.35(b)(5)
- ❑ National Environmental Policy Act (NEPA) of 1969

**Flood Insurance – Yes, must obtain flood insurance if located in a FEMA designated 100-year flood plain. Community must be participating in FEMA's flood insurance program.**

Regulatory Citations & References:

- ❑ Section 202 of the Flood Disaster Protection Act of 1973 (42 U. S. C. 4106)

**Site and Neighborhood Standards – Yes, for new construction only.**

Regulatory Citations & References:

- ❑ 24 CFR 893.6(b)

**Lead-Based Paint – Yes,** for pre-1978 units. Applies to HOME and non-HOME-assisted units. Requirements differ depending on whether rehabilitation work is performed. Rehabilitation notices to owners. Paint testing of surfaces to be disturbed. Risk assessment, if applicable, based on level of rehabilitation assistance. Appropriate level hazard reduction activity (based on level of rehabilitation assistance). Safe work practices and clearance. Provisions included in all contracts and subcontracts.

Regulatory Citations & References:

- ❑ 92.355
- ❑ Lead Based Paint Poisoning Prevention Act of 1971 (42 U. S. C. 4821 et. seq.)
- ❑ 24 CFR Part 35
- ❑ 982.401(j) (except paragraph 982.401(j)(1)(i))

**Relocation – Yes.** Displacement must be minimized; existing tenants must be provided a reasonable opportunity to lease a dwelling unit in the building upon completion of the project. Reimbursement for temporary relocation, including moving costs and increase in monthly rent/utilities, must be provided, as well as advisory services.

Regulatory Citations & References:

- ❑ 92.353
- ❑ Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U. S. C. 4201-4655)
- ❑ 49 CFR Part 24
- ❑ 24 CFR Part 42 (subpart B)
- ❑ Section 104(d) "Barney Frank Amendments"

## **Attachment 4. §92.351 Affirmative marketing; minority outreach program**

(a) *Affirmative marketing.* (1) Each participating jurisdiction must adopt and follow affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing requirements and procedures also apply to all HOME- funded programs, including, but not limited to, tenant-based rental assistance and downpayment assistance programs. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. If participating jurisdiction's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with §92.253(d)(3), the participating jurisdiction must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

(2) The affirmative marketing requirements and procedures adopted must include:

(i) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the participating jurisdiction's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups);

(ii) Requirements and practices each subrecipient and owner must adhere to in order to carry out the participating jurisdiction's affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);

(iii) Procedures to be used by subrecipients and owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing program or the housing without special outreach (e.g., through the use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);

(iv) Records that will be kept describing actions taken by the participating jurisdiction and by subrecipients and owners to affirmatively market the program and units and records to assess the results of these actions; and

(v) A description of how the participating jurisdiction will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.

(3) A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.

(b) *Minority outreach.* A participating jurisdiction must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms,

underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. 2 CFR Part 200.321 describes actions to be taken by a participating jurisdiction to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.