



SEWARD COUNTY CHAMBER & DEVELOPMENT PARTNERSHIP
BOARD OF DIRECTORS RESOLUTION

I, Matt Howe, do hereby certify that I am the Chairperson for the Seward County Chamber & Development Partnership (SCCDP) Board of Directors organized under the laws of the State of Nebraska and that the following is a true, complete, and correct copy of a resolution adopted via a duly and properly called vote of the SCCDP Board of Directors on the 20th day of February 2023.

RESOLVED, that the SCCDP Rural Workforce Housing Fund (RWHF) Investment Plan has been amended to reflect the revised unit cost/sales price limits for owner-occupied and rental housing units constructed under the RWHF program as issued by the Nebraska Department of Economic Development (NDED) on the 9th of September 2022.

Executed this 17th day of March 2023

A handwritten signature in black ink, appearing to read "Matt Howe".

Matt Howe, SCCDP Board Chair

**SEWARD COUNTY CHAMBER & DEVELOPMENT PARTNERSHIP
RURAL WORKFORCE HOUSING FUND INVESTMENT PLAN**

GOALS

1. Ensure potential projects maintain Seward County “quality of life” standards.
2. Put initial fund proceeds to work promptly following program approval.
3. Build as many housing units as initial allocation allows.
4. Create a predictable flow of reuse money that can be used for future projects.
5. Reinvest the reuse money in workforce housing under the same terms.
6. Create “fill in the gaps” housing not currently available.
7. Build housing that the community otherwise struggles to build.

PROCESS

1. GEOGRAPHIC SERVICE AREA:

- a. Applications will be accepted for projects within Seward County, Nebraska, particularly within the communities of Seward, Milford, Utica, Staplehurst, Cordova, Beaver Crossing, Bee, Garland, Goehner, and Pleasant Dale.

2. ELIGIBLE WORKFORCE HOUSING ACTIVITIES TO BE FUNDED:

- a. The Fund Administrator, Seward County Chamber & Development Partnership (SCCDP), will award the Seward County Rural Workforce Housing Funds to support the development of workforce housing in the target area. The intent of the fund is to create long range, continual investment in workforce housing projects. As funds are repaid back to the Seward County Rural Workforce Housing Fund, funds will be loaned out for eligible activities to eligible applicants as listed herein.
- b. The eligible activities of developers, whether for-profit or non-profit, include:
 - i. New construction of owner-occupied housing costing no more than \$325,000, or the most recent cost limit as amended by NDED;
 - ii. New construction of rental housing units costing no more than \$250,000, or the most recent cost limit as amended by NDED;
 - iii. Substantial repair or rehabilitation of dilapidated housing stock, for which the cost to rehabilitate exceeds fifty percent (50%) of the unit’s assessed value;
 - iv. Upper-story housing development;
 - v. Rehabilitation that includes the conversion of an existing building into housing.
- c. Targeted housing includes single-family housing, apartments, and townhomes in duplex, triplex and fourplex style.
 - i. Multiple contractors and developers with experience in building workforce housing both in and outside of Seward County have expressed interest in developing lots in communities across the county if overall development costs can be supplemented or subsidized. Letters from these interested

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developers are included in SCCDP's RWHF application and are highlighted below:

- (1) Rehabilitation of former Utica school building and surrounding grounds to include 4 new studio apartments and 3 new single-family homes in Utica.
 - (2) New 12-unit apartment building in Seward.
 - (3) New townhouse project (36-48 units) in Milford.
 - (4) New townhouse project (4 units) in Seward.
- d. Tax Increment Financing (TIF), through a community listed in section 1(a), may be utilized to keep sales prices and rent in an affordable range.
 - e. Infrastructure development associated with workforce housing is an eligible use of the Seward County Rural Workforce Housing Fund. Such development is strictly allowed through an eligible housing project and will be proportionate to the number of workforce housing units created and subject to the price limits of the program.
 - f. Housing administration and Grant administration costs may only be paid out of local matching funds, fees, loan repayments, interest, and other funds.
 - g. Apart from what is received from the Seward County Rural Workforce Housing Fund, approved applicants/developers will fund the remaining cost of new housing construction and will assume all risk in selling or renting that property.
 - h. Developers must supply all documents requested in this Investment Plan for underwriting purposes.

3. QUALIFIED ACTIVITIES – INCLUDE BUT ARE NOT LIMITED TO:

- a. Purchase of real estate.
- b. Rental guarantees.
- c. Loans – Construction or Permanent.
- d. Loan guarantees.
- e. Loan participation.
- f. Other credit enhancements.
- g. Down-payment assistance.
- h. Any form of assistance designed to reduce the cost of workforce housing.
- i. Forgivable loans and grants are allowed with the Seward County Rural Workforce Housing Fund. However, financing structures that allow for the Seward County Rural Workforce Housing Fund monies to be recovered and reused are preferred.

4. INELIGIBLE ACTIVITIES:

- a. Any activity not specifically authorized under Eligible & Qualified Activities is ineligible to be carried out with the Seward County Rural Workforce Housing Fund. This section further identifies ineligible activities/expenditures:

- i. Furnishings and personal property (not an integral structural fixture) including the purchase of equipment, fixtures, and motor vehicles;
- ii. Mobile homes, as defined by NDED: “Mobile Home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately movable but designed to be joined into one integral unit;”
- iii. Housing that receives National Housing Trust Funds, Federal Low-Income Housing Tax Credits, State Low-Income Housing Tax Credits, Community Development Block Grants, HOME funds, or funds from the Nebraska Affordable Housing Trust Fund.

5. ELIGIBLE APPLICANT ENTITIES:

- a. For-profit and not-for-profit persons or entities with a history of successful housing development will be eligible to make an application to the Seward County Rural Workforce Housing Fund.

6. TYPES, AMOUNTS AND TERMS OF ASSISTANCE TO BE PROVIDED:

- a. Low-Interest Loan:
 - i. The Fund may provide a “below market rate loan” blended with and subordinated to private financing. Repayment of the Low-Interest Loan should be simultaneous with that of the private financing.
- b. Loan Guarantee:
 - i. A portion of the funds may be pledged against private financing. Guarantees make private financing more available with minimal expenditures from the Fund.
- c. Performance-Based Forgivable Loan:
 - i. Eligible individuals or entities may be considered for performance-based credits to have a portion of the loan forgiven.
- d. Soft 2nd loans:
 - i. The Fund may provide a non-recourse loan secured by the property but not personally guaranteed that is payable over the loan term or upon sale of the property.
- e. Loan Package:
 - i. Any combination of the different loans listed above may be packaged for eligible individuals or entities.
- f. Down payment assistance:
 - i. Borrower is not required to be a first-time homebuyer. Borrower may have previously owned, or may currently own a home; provided that the home

being purchased becomes the borrower's principal residence upon loan closing;

- ii. The assistance would be in the form of a second mortgage loan;
- iii. The interest rate on the second mortgage loan may be below market rate;
- iv. The term of the second mortgage down payment loan may be amortized, non-amortized, due on the sale of the property or forgivable over a term of years.

g. NIFA LB518 Match dollars included in Assistance:

- i. Twenty-five percent (25%) of the total funds in the Seward County Rural Workforce Housing Fund are derived from the Nebraska Investment Finance Authority LB518 Match Program.

(1) Any NIFA LB518 Match Funds not loaned or granted to assist in the development of housing by the Seward County Rural Workforce Housing Fund within twenty-four (24) months of the award by NIFA shall be returned to NIFA.

- ii. If NIFA LB518 Match is included in assistance, then a percentage of the units produced (such percentage to be based upon the portion the NIFA LB518 Match bears to the total cost of the project) must benefit individuals and families whose household income does not exceed Moderate Income as defined in the Nebraska Investment Finance Authority LB518 Match Program Guidelines.

(1) Moderate Income for this Program has been determined by the NIFA Board to be a limit not to exceed 150% of the *American Community Surveys – Nebraska Statewide Median Family Income* for a family of four.

- iii. NIFA LB518 awards shall be used by the Seward County Rural Workforce Housing Fund Administrator for financing structures that create a "Revolving Fund" and the NIFA LB518 Match funds must be repaid, with interest, to the Seward County Rural Workforce Housing Fund throughout the program.

(1) The Seward County Rural Workforce Housing Fund shall earn a rate of return on such fund at least equal to the current rate of inflation.

(2) NIFA LB518 Match funds must continue to be used in accordance with these Guidelines for a minimum of 10 years after the award by NIFA.

(3) Any future use of LB518 Match Funds shall be approved in writing by NIFA.

7. APPROVAL PROCESS, INCLUDING SCORING OR SELECTION CRITERIA:

- a. Applications will be scored against the stated goals of the plan as amended from time to time. The following types of programs may be assisted from time to time by the Seward County Rural Workforce Housing Fund, as the funds are available.

- b. Rental housing development applications and new housing construction applications will be scored separately.
- c. Rental housing:
 - i. Minimum awards are \$20,000;
 - ii. Units must cost less than \$250,000 per unit, or the most recent cost limit as amended by NDED;
 - iii. Projects must be financially viable:
 - (1) Applicant shall provide proof that the project is economically viable and affordable;
 - iv. Experience level of applicant/developer:
 - (1) Applicants that provide a track record showing development and completion of previous housing will score higher;
 - v. Financial participation (equity) of applicant will be considered:
 - (1) Greater level of investment by the applicant will provide higher scoring;
 - vi. Security for the fund will be considered:
 - (1) Greater level of investment by the applicant will provide higher scoring;
 - vii. The amount of leverage used with the funds will be a factor:
 - (1) Lower percentage of total project dollars required from the fund will score higher;
 - viii. Average number of units developed per fund investment:
 - (1) A greater number of units developed per fund dollar will score higher;
 - ix. Development timeline:
 - (1) Greater priority will be given to projects that have an immediate impact on the housing needs of the community.
 - (2) For awards, priority will be given to those projects ready for occupancy within 12 months from the award for the grant.
- d. Housing construction and sale:
 - i. Minimum awards are \$20,000;
 - ii. Units must cost less than \$325,000 per unit, or the most recent cost limit as amended by the NDED;
 - iii. Projects must be financially viable:
 - (1) Applicant shall provide proof that the project is economically viable and affordable;
 - iv. Experience level of applicant/developer:
 - (1) Applicants that provide a track record showing development and completion of previous housing will score higher;
 - v. Financial participation (equity) of applicant will be considered:
 - (1) Greater level of investment by the applicant will provide higher scoring;
 - vi. Security for the fund will be considered:

- (1) Level of risk taken by the fund, as a secured investor in the project, will be considered;
- vii. The amount of leverage used with the funds will be a factor:
 - (1) Lower percentage of total project dollars required from the fund will score higher;
- viii. Average number of units developed per fund investment:
 - (1) A greater number of units developed per fund dollar will score higher;
- ix. Development timeline:
 - (1) Greater priority will be given to project that have an immediate impact on the housing needs of the community.
 - (2) For awards, priority will be given to those projects ready for occupancy within 12 months from the award for the grant.
- e. Home ownership/Down Payment Assistance:
 - i. Minimum award toward home ownership (per unit) is \$10,000;
 - ii. Maximum award toward home ownership (per unit) is \$40,000;
 - iii. Homes must be affordable for the community workforce and have a total value of at or below \$325,000, or the most recent cost limit as amended by NDED.
 - iv. Home buyer must provide bank letter of loan approval.
 - v. Priority will be given to any home buyer that has received down payment match from a local employer.

All proposed projects shall be evaluated in relation to the Fund's stated goals and the financial viability of the project including the security of the fund.

Any proposed project must provide at least a partial solution to workforce housing needs in a community. All proposed projects shall show the ability to leverage significant private financing.

Other criteria the Fund Administrator may establish for re-evaluating applications for direct financial assistance.

8. APPLICATION PROCESS:

- a. Loan applications may be obtained from the office of the Fund Administrator. Fund Administrator may direct a Consultant to assist in the Application Process.
- b. Applicants for the use of funds must provide the following:
 - i. An Application for SCCDP Rural Workforce Housing Fund must be completed and submitted;
 - ii. Application fee of \$300 submitted with the application;
 - iii. The legal description of the property to be used;
 - iv. Project Summary;
 - v. Sources and Uses;
 - vi. Pro-forma with projection of cash flow for the project;

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- vii. Bank pre-approval letter or other proof of funding sources;
 - viii. For new construction: site plan and housing plans;
 - ix. For single family housing: appraisal;
 - x. Other information as requested by the Fund Administrator.
- c. The Fund Administrator may use any or all of the following sources to verify the information provided by the applicant: Credit Bureau Reports (CBR), Dun & Bradstreet reports, examination of applicant's internal business records, audit reports, and any other documents not listed but deemed necessary and appropriate.

9. ADMINISTRATION:

a. Loan Review Process and Procedures:

- i. Each Seward County Rural Workforce Housing Fund application will be reviewed by a RWHF Advisory Working Group who will make a written recommendation to the SCCDP Executive Committee of the Board of Directors (Executive Committee). The Rural Workforce Fund Advisory Working Group shall consist of the following:
 - (1) One (1) representative from each of the following committees: Milford LB 840, Seward LB 840, Utica LB 840, and Milford Community Betterment Fund.
 - (2) One (1) representative from each Seward County lending institution.
 - (3) One (1) representative from the Executive Committee.
 - (4) Fund Administrator staff.
- ii. The Fund Advisory Working Group shall review each Seward County Rural Workforce Housing Fund application and the Executive Committee shall render a decision within thirty (30) days of application submission.
- iii. The Fund Administrator reserves the right to negotiate project terms before application is forwarded on for approval by the Executive Committee.
- iv. The final decision for any proposed project will be made by the Fund Administrator and the Executive Committee once written recommendation is received from the RWHF Advisory Working Group.

b. Loan Closing Process and Procedures:

- i. Required loan documentation may include but is not limited to the following:
 - (1) Title commitment;
 - (2) Promissory Note;
 - (3) Deed of Trust;
 - (4) Mechanics lien waivers or affidavit;
 - (5) Personal guarantee;
 - (6) ACH form for automatic payment;
 - (7) Appraisal;
 - (8) Subordination agreement if required and notice of default;

(9) Payment of administrative fee of 1% minus the application fee.

c. Loan Servicing and Monitoring:

- i. Automatic payments will be preferred;
- ii. Fund Administrator staff will notify borrower and the Executive Committee of any payments more than 30 days delinquent;
- iii. Fund Administrator, with the approval of the Executive Committee, may negotiate work out terms with the borrower;
- iv. Fund Administrator, with approval of the Executive Committee, will take necessary legal steps to protect the fund security and promote the underlying goals of the fund. This may include loan modification, loan extension, loan forgiveness, short sale, or foreclosure.

d. Program Compliance:

- i. The Fund Administrator will submit an annual report by February 15th of each year to NDED as required;
- ii. The report shall certify that the Fund Administrator meets the requirements of the Rural Workforce Housing Fund Investment Act and shall include a breakdown of funded program activities;
- iii. The annual report shall include, but not limited to:
 - (1) The name, location, and geographical region served by the reporting non-profit development organization;
 - (2) The number, amount, and type of workforce housing investment funds invested in qualified activities;
 - (3) The number, geographical location, type, and amount of investments made;
 - (4) A summary of matching funds and where such matching funds were generated; and
 - (5) The results of the required annual audit;
- iv. If the Fund Administrator ceases administration of the fund, it shall file an annual report with NDED in a form and manner required by the NDED director.

10. RISK MITIGATION:

a. Fund:

- i. Funds will be kept in FDIC insured accounts in Nebraska banks;
- ii. All awarded funds will be secured as described in the loan closing process and procedures;
- iii. An independent Certified Public Accountant firm will conduct an annual financial and program audit of the organization.

b. Project:

- i. Customary loan/security documents will be used;
- ii. The staff of the Fund Administrator, or approved qualified consultant employed by the Fund Administrator, will conduct periodic inspection of the property;

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- iii. The Fund Administrator shall be an additional insured loss payee on all projects for property and casualty insurance and construction risk based on replacement cost. Liability insurance in a reasonable amount will be required for all funded projects;
- iv. Staff will monitor payment of all real estate taxes and Property/Liability insurance on funded projects.

11. CONFLICT OF INTEREST CLAUSE:

- a. No officer, employee, or agent of the Fund Administrator who has a personal or financial interest or benefit from the housing activity or has an interest in any loan with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, may not participate in selection, award or administration of these funds. If there is a conflict, that person shall abstain from a deciding vote or excuse themselves from the selection process.

12. FUTURE USE PLAN:

- a. All future use of the Seward County Rural Workforce Housing Fund will be evaluated against the Investment Fund Goals and selection criteria on the same basis as the initial awards.
- b. It is assumed that repayment of the initial awards will provide a steady stream of income rather than a large lump sum. It is therefore likely that future projects will be smaller in scale.
- c. In the case of faster repayment of the initial awards, larger projects may be completed.

13. PLAN AMENDMENT:

- a. This Investment Plan may be amended from time to time by the SCCDP Board of Directors by a majority vote of the Board members present at a regular or special meeting, or by unanimous written consent of the SCCDP Board of Directors.