A Resolution Ratifying the Rules and Regulations of the Redevelopment Commission Relating to the Implementation of the Modified Rehabilitation Grant Program: CDBG No. B-F5-HN-18-0002

WHEREAS, the City of Bloomington, Indiana is entitled to the sum of \$1,004,000.00 as a Non-Metropolitan Entitlement City (Sec. 106) under the provisions of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and,

WHEREAS, the City of Bloomington, Indiana has completed grant application B-75-HN-18-0002 on April 11, 1975, and,

WHEREAS, Grant No. B-75-HN-18-0002 was approved for funding as submitted and proposed on May 20, 1975, and,

WHEREAS, the City of Bloomington, Indiana has reached a finding of no significant impact in the Environment, and, said finding has been published and no contradictory finds or comments have been received, and, therefore, said finding and said publication have been affirmed completing the City of Bloomington's obligation under 24 CFR S 58.16, Environmental Regulations for Title I Programming, and,

WHEREAS, Grant No. B-75-HN-18-0002 designates the sum of one hundred eighty thousand dollars (\$180,000.00) for the purpose of a modified Rehabilitation Grant Program, and,

WHEREAS, the Common Council did, on November 6, 1975, appropriate (Appropriation Ordinance 75-11) the sum equal to that designated in Grant No. B-75-HN-18-0002 for a Modified Rehabilitation Grant Program.

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of Bloomington, Indiana:

Section 1. That the Rules and Regulations of the City of Bloomington Redevelopment Commission, attached herewith as Exhibit A, be adopted as the rules of implementation for the Modified Rehabilitation Grant Program, pursuant to Grant No. B-75-HN-18-0002.

SECTION II. Thes Resolution shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Indiana this 8 day of December, 1975

Brian C. De St. Croix, President

Bloomington Common Council

ATTEST:

Nora M. Connors, Deputy City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, this day of <u>lecember</u>, 1975 at the hour of <u>l</u> O'clock A M.

Nora M. Connors, Deputy City Clerk

Approved and signed by me this 23,0 day of December, 1975, at the hour of 1 0'Clock A. M.

FRANCIS X. MCCLOSKEY, Mayor

## COMMITTEE REPORT SHEET

" Committee repo	SI C	T OTHE	c committees considering	
* Planning/Co		ment islative	Oversight	
ORDINANCE #		RESOLUT	ION #	
SUBJECT MATTER	Redevelopment	Grant		
PERSON/DEPARTMENT	T ORIGINATING _	Redevelop	mentMayor	
DATE OF COMMITTE	E MEETINGD	ec. 2, 197	5	·
RECOMMENDATION:	lst Readi	ng	2nd Reading	
RECOMMENDATION:	DO PASS	<del> </del>	NO RECOMMENDATION AT THIS	TIME
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MINORITY REPORT				
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COMMITTEE DISCUS	SION:			

Committee felt this should be taken up at a later meeting and requested backup material. Committee suggested this be placed on agenda for Dec. 18 Common Council meeting. Mayor; s Office concurs.

SIGNATURES OF COMMITTEE MEMBERS

ST. A.

Chairperson

Charlette T. Trollow

# COMMITTEE REPORT SHE.

ORDINANCE # RESOLUTION # 75-46  SUBJECT MATTER	* Committee report  Appropriations Community Resou Economic Develo Planning/Commun Public Saftey/P Utilities/Publi	rces pment and Emplo ity Development olicy & Legisla	• .	onsidering
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## Modified Rehabilitation Grant Program Program Elements

## I. Eligibility Requirements

- Requirements Applicable to the Structure: A rehabilitation grant may be made only with respect to a property located within the jurisdictional boundaries of the City of Bloomington. The property must need rehabilitation to meet minimum city codes.
- Requirements Applicable to Applicant:
  1. To be eligible for a rehabilitation grant, the applicant must be an individual or family who owns and occupies a one-to-four-dwelling-unit residential property, or is purchaser-occupant of such a property under a land sales contract. The term "land sales contract" refers to any transaction, regardless of the nomenclature by which it is known, in which the purchaser-occupant obtains fee title only if he completes a series of installment payments over a term of years. Eligibility for land contract purchasers is contigent upon the fulfillment or applicability of the following requirements:
  - a. The contract shall be written, legally binding, instrument involving a residential property containing, after rehabilitation, not more than four dwelling units.
  - b. The seller of the property must hold fee title to the property and, while the contract is in good standing must be unable to use the property for collateral or to convey the property to any other party unless such use for collateral or conveyance of fee is subject to the land sales contract. Legally acceptable limitations on the effect of conveyance or use of the property for collateral must be found to exist under local law, the provisions of the contract, or some other written agreement in recordable form. The public body shall record this agreement, or the contract, promptly after loan settlement if necessary to give either document the legal effect described.
  - c. Under the contract, the seller and any subsequent holder of the fee to the property must be obligated, without qualification, to deliver to the purchaser fee simple title and a deed to the property upon full payment of
  - the contract price, or some lesser amount.
    Under the terms of the contract, the purchaser shall have: (1) Full use, possession and quiet enjoyment of the property,
    - (2) Equitable title to the property, and

(3) Full rights of redemption for a period of not less than 90 days, unless redemption rights not less than 90 days are afforded by local law to a purchaser under a land sales contract. If the loan is to in-clude an amount to refinance the balance due under the land sales contract, this requirement does not apply.

e. The purchaser shall have had possession and use of the property under the contract for at least 12 months prior to the date of application for a rehabilitation grant and/or loan. If the loan is to include an amount to refinance the balance due under a land sales contract, this

requirement does not apply.

f. Before an application for a rehabilitation grant and/or loan to a purchaser under a land sales contract can be approved, the Department of Redevelopment must obtain a copy of the land sales contract and a written legal opinion from its counsel that each of the foregoing conditions is satisfied, and setting forth the basis for the opinion. The copy of the legal opinion and the contract shall be retained in the Department's files with respect to a rehabilitation grant.

2. To be eligible for a rehaiblitation grant an applicant's income (see a. below) must be \$5,000.00 or less, or the applicant's housing expense (see c. below) must equal or exceed & of an applicant's income. An applicant may possess assets according to the schedule set forth below (see b. below).

a. The following is a listing of the elements comprising

income for purposes of rehabilitation grant.(1) Income of an applicant includes the income of the applicant and his family. The applicant's family includes the applicant and any other person or persons related by blood, marriage, or operation of law, who shares the same dwelling unit. If ownership of the property rests in more than one person, the applicant's income, therefore, is the sum of the family incomes of all applicants.

(2) An applicant's income is established on an annual basis at the time of applying for a rehabilitation grant and/or loan, and includes:
(a) The applicant's earnings.

(b) Spouse's earnings, and earnings of all other members of the family who share the household, if the employment of the spouse or other family member is a definite characteristic of family life. Excluded is the income of an adult household member other than the applicant and spouse who does not have an ownership interest in the property, but included are any funds contributed or paid to the family on a regular basis by the adult household member.

(c) Other income regularly received by the applicant or his family from any source.

(d) Net income from real estate other than the property to be rehabilitated, and any other net business income.

(e) Income from the rental units in the property to be rehabilitated based on gross rental income.

b. Eligibility must further be established by an evaluation of the applicant's net worth in relation to the following limits.

Family #	Net Worth Limit
1 2	\$6,600
2 3+	8,000 9,400

Net worth shall be determined by considering all assets excluding the applicant's dwelling unit less all liabilities for which the applicant is responsible. Exceptions to the above limits may be made only upon review by the Citizens Fact Finding Board and approval of the Redevelopment Commissioners. Considerations in review shall include special circumstances affecting applicability of the limits such as the degree of liquidity of assets, age of the applicant, and his/her insurance coverage, etc.

An applicant found ineligible as a result of the asset computation may be eligible for a matching grant of up to \$2,500.00 (see VIII b.).

c. Monthly housing expense must be established by the Department of Redevelopment for an applicant whose annual income exceeds \$5,000.00. Monthly housing expense includes, to the extent applicable, payments for mortgage principal and interest, mortgage insurance premium, service charges, hazard insurance, real estate taxes and special assessments, maintenance and repairs, heating and utilities, ground rent and payments on home improvements loans (to include acquisition of equipment as identified under eligible costs, see III below).

## II. Work Write-Up and Code Inspections

- A. Subsequent to the initial application a designated code inspector will inspect the structure and list all code violations.
- B. The Department of Redevelopment shall prepare a work write-up and cost estimate to document the rehabilitation work to be financed with a rehabilitation grant.

## III. Costs Includable Under a Rehabilitation Grant

- A. General: A rehabilitation grant may be made only to cover the cost of rehabilitation necessary to make an owner-occupied one-to-four-dwelling-unit residential property conform to public standards for safe, decent and sanitary housing as specifically required by minimum city code, and other costs as provided in this section. As a result of the rehabilitation work financed in whole or in part by a rehabilitation grant, the property must, as a minimum, conform to code. Rehabilitation grant funds shall be used to achieve economical and practical compliance with code.
- B. Includable Costs: Costs includable in a rehabilitation grant are the costs of: meeting the requirements of code; kitchen equipment; correcting incipient violations; and building permits and related fees, as described below.
  - 1. Requirement Code When necessary to meet a specific requirement of code, a rehabilitation grant may be used to the extent necessary for:

a. The rehabilitation or removal of elements of the dwelling structure, including basic equipment, and of other improvements to the property such as garages, fences, steps, walkways and driveways

walkways and driveways.

The term "basic equipment" includes such items as heating furnace, hot water tank, electrical and sanitary fixtures, and kitchen stove and refrigerator, but does not include appliances.

c. The provision of sanitary or other facilities, including the provision, expansion and finishing of space necessary to accommodate those facilities.

sary to accommodate those facilities.
d. The provision of additional or enlarged bedrooms.

e. Grading, filling or landscape of the grounds.

2. Kitchen Equipment. Whether or not required by code, a rehabilitation grant may provide for the repair, or purchase and installation of a kitchen stove and/or refrigerator. Purchase and installation are acceptable if there is no such equipment in the dwelling unit, or if existing equipment is unsafe or unsanitary because of its basic physical condition. Grant funds may also be used for building in a stove and/or refrigerator, if necessary to replace existing built-in equipment.

3. Incipient Violations. In order that a property may be brought up to and maintained at the code, a rehabilitation grant may be used for rehabilitation work necessary to correct incipient - as well as actual - violations of code. An incipient violation exists if, at the time of inspection it is thought that the physical condition of an element in the structure will deteriorate into an actual violation in the near future (such as within a year or two). An example of an incipient violation would be: A heat exchanger in a furnace may be expected soon to become inoperative or hazardous because of its age, condition or use. In such a case grant funds may be used to replace or rebuild such equipment.

The property inspection report should identify the incipient violations to establish the basis for providing for corrective work in the grant. For enforcement purposes, it may be necessary for actual violations to be identified and listed separately from incipient violations. However, the amount of the rehabilitation grant to be made may cover both actual and incipient violations.

4. Building Permits and Related Fees. A rehabilitation grant may provide funds to cover the cost of building permits and related fees that are required to carry out the proposed rehabilitation work. However, since the construction contract documents will require the contractor to pay for them, this cost ordinarily would be includable in the contract

amount.

#### C. Costs Not Includable

Except as otherwise provided in this section, a rehabilitation grant shall not provide for:

New construction, substantial reconstruction, or expansion of the structure, or the finishing of unfinished spaces.
 Materials, fixtures, equipment or landscaping of a type

or quality which exceeds that customarily used in the locality for properties of the same general type as the property to be rehabilitated.

Appliances not required by code.

4. A rehabilitation grant may not be used for the acquisition of land.

## IV. Limitation on Amount of Grant

The amount of the rehabilitation grant that an applicant may receive shall be limited to the lesser of the following:

A. The actual (and approved) cost of the repairs and improvements necessary to make the property conform to code standards for decent, safe, and sanitary housing.

B. \$5,000.00

- V. Upward Adjustment of the \$5,000.00 Grant Ceiling
  - A. An upward adjustment of up to \$2,000.00 may be awarded prior

to contract signing if the following circumstances are present:

1. The structure is deemed basically sound as-is by the appropriate Redevelopment staffer.

2. All attempts to reduce the grant amount are exhausted e.g., elimination of all marginal incipient violations, negotiation with the low bid contractor.

3. All attempts to finance the additional amount by the applicant are exhausted e.g., utilization of the liquid assets on a matching dollar for dollar basis.

Note: These steps are in the order that should be taken. After steps one and two are taken if step three is necessary then the Redevelopment staff shall determine if the applicant has liquid assets to match department dollars on a dollar to dollar basis. This step must be taken if the applicant has cash assets equal to or in excess of

the amount required to match the Department's dollars. (See VIII.A.) 4. The cost and work write-up is reviewed and concurred on by the City Engineer.

When the above circumstances are present the Redevleopment staff shall document them for the use of the Redevelopment Commission who will have final authority on the award.

B. An upward adjustment of up to \$2,000.00 may be awarded sub-sequent to contract signing if the following circumstances are present:

1. The additional amount is deemed absolutely necessary to insure the effectiveness of the original grant amount.

2. All attempts to reduce the grant amount are exhausted e.g. elimination of all marginal incipient violations, negotiation with the low bid contractor.

3. All attempts to finance the additional amount by the applicant are exhausted e.g. utilization of the applicant's liquid assets on a matching dollar for dollar basis.

4. The cost and work write-up is reviewed and concurred on

by the City Engineer.

Again, when the above circumstances are present the Redevelopment staff shall document them for the use of the Redevelopment Commission who will have final authority on the award.

C. Upward Adjustments Shall Not Exceed the Lesser of :

1. The actual (and approved) cost of the repairs and improvements necessary to make the property conform to code standards for safe, decent, sanitary housing.

2. \$2,000.00

### VI. Grant and Loan Combination

A grant may be awarded if the applicant is also applying for a rehabilitation loan either from this department or from some other source. However, in such a case the applicant must meet the eligibility requirements and the property must as a result of the loan and grant meet local code. In regards to an applicant's eligibility, a loan applicant may qualify for a grant when as a result of the loan payment taken at the longest available term the applicant's housing expense exceeds 25% of the applicant's income. The following steps, then, must be documented: A. It must be determined that the entire loan amount from what-

ever source used in the loan grant computation be for the sole purpose of rehabilitation of the subject property to code.

B. It must be determined that as a result of the combination grant and Ioan the property shall meet code.

C. Before the actual awarding of the grant all additional funds necessary for rehabilitation to code must be deposited in escrow.

## VII. Emergency Maintenance Grant

This aspect of the grant program is designed to perform minor yet essential housing repairs e.g., leaking roofs, for qualified homeowners. This work may be done on an emergency basis prior to a regular grant or loan, after a grant or loan or where a grant or loan is not deemed appropriate. The work shall be done only if an inspection reveals that a spot patch or the like would be sufficient to correct the problem. If the problem could not be corrected in this manner the case would be recommended for the program most appropriate for the structure and the owner. All aspects of the emergency grant are the same as with the regular grant except as outlined above and described below.

- A. The grant may not exceed \$1,000.00.
- B. As this program is a part of the regular grant program the same income eligibility requirements pertain to the emergency grant except that instead of written and confirmed verification prior to grant approval the applicant must present check stubs, past bills not more than two months old, written policies such as housing insurance and signed affidavits all of which would temporarily suffice the veri-In addition the applicant would be refication process. quired to sign and approve a lien document that would be affected only if it were found that in the normal verification process information previously given was substantially incorrect.

## VIII. Matching Grant

There are two instances when a dollar for dollar matching grant applies subject to the above requirements.

- A. Matching Grant #1 in re: Upward Adjustment Awards An upward adjustment matching grant of up to \$2,000.00
  - may be awarded when:
    1. The applicant has cash assets equal to or in excess of their designated matching amount.
  - The structure requires an amount in excess of \$5,000.00 to meet minimum code.
  - 3. The applicant is eligible as required by other criteria set forth under the grant program.4. All funds required from the applicant are secured in
  - escrow.
- B. Matching Grant #2 in re: Assets. If an applicant is declared ineligible for a rehabilitation grant because of assets, then the applicant may be eligible for a matching grant of up to \$2,500.00 if:
  - The applicant's assets are within a \$5,000.00 range over the maximum allowed under the asset computation figure.
     The applicant is otherwise eligible as required by all
  - other criteria set forth and the grant program.
  - 3. All funds required from the applicant are secured in escrow.

## IX. Priority Determination

#### A. Introduction:

The following criteria and related information are meant to act as aids in decision making. They shall not be used contrary to good sense and rational choice. Rather the following is an aid in developing a comprehensive picture from diverse data and hence an attempt to establish equity among the many applicants for grants.

## B. Eligibility and Feasibility:

Obviously before one can be considered as per the following criteria one must be eligible and one's home must be feasible for rehabilitation. Once it is determined that an applicant is eligible and that his home is feasible, the following criteria shall be employed to determine what order the applications shall be processed.

#### C. Criteria

- 1. Impact 25 pts.
  - a. Relationship to other public investments in a priority area set out in the Community Development Plan - 20 pts.

(1) Past and present rehabilitation in an area.(2) Fast and present relocation in an area.

(3) Site improvements in an area.

- b. Relationship within priority project area as identified in the Community Development Plan that has yet to receive concentrated public assistance - 15pts.
- c. Relationship to the condition of other homes in an area but outside an intended target area-15pts.
- d. Concentrated Impact 5pts.

  If a structure is feasible for rehab and will, as a result of the work to be done, have a maximum impact in the immediate area, then it shall receive a greater priority than a feasible home that will have less of an impact.

#### 2. Need - 20pts

a. Income - 15pts

(1) An applicant whose income eligibility is determined by the fact that his income is less than \$5,000 annually shall receive the greatest consideration.

(2) Those applicants whose income fit the 221 D-3 income limits.

(3) Those applicants whose income eligibility is based on the fact that their monthly housing expense exceeds 25% of their total income.

- b. Age 5pts
  Age is a factor insofar as an aged applicant is less likely to receive additional income and consequently should be given a greater priority than youthful applicants who could be expected to have an income source yet untapped.
- 3. Individual and Site Evaluation 6 pts
  This criterion is designed to give the staff a degree of latitude
  in evaluating and assessing each case. Criterion C, then, is a
  catchall by which the staff may include data that is not otherwise
  provided for above or below and which is specific or unique to an
  individual case. Examples would include an individual's physical
  disability, an individual's effort at maintaining his property, etc.

## D. Point System and Allocation Methods

There is a maximum of 51 points. Criterion 1 provides for up to 25 points. In criterion 1, letters a,b,c are mutually exclusive, they can never be found in combination. However, a, b or c may be combined with d to produce a sum for criterion 1. Please note that if a structure applies to criterion 1, either b or c, then a combination with d will result in a maximum of 20 points.

Under criterion 2, there is a maximum of 20 points. If an individual qualifies as a result of 2, a, (1) then he may receive up to 15 points but no less than 12. If a person qualifies as a product of 2, a, (2) then he may receive up to 11 but no less than 8 points. A person qualifying under 2, a, (3) may receive up to 7 points.

Under criterion 2,b a point shall be added to a person's total beginning at age 60, and increased by one point for each five-year period above 60, to 80, at which point the point allocations stabilize. This criterion shall apply only to the recognized head of the household.

Criterion 3 will only be reflected on the point system when accompanied by a written justification. Further, the written justification must be verifiable to some degree and that verification must be set forth in the written justification. Examples of this criterion would include: to what extent has the applicant maintained his property; if able, how much effort the applicant has expended toward improving his property; the present and predictable status of an applicant's health (e.g., disabilities); the applicant's potential for increased income (e.g., educational level, age, skills, etc.); and, among other possibilities, how long the individual has resided at his/her current address. There are six possible points under criterion 3.

## E. Priority Groupings

Applications will be placed in priority groupings based on the point total as described below:

## F. Emergency Procedures

As indicated at the outset, the criteria herein set forth are aids in decision making and should not be a substitute for good sense. Therefore, in certain situations the priority classification derived from the application of the above criteria may be waived. However, the following facts must be present prior to waiver of a low-priority classification.

1. An individual must be eligible and the structure must be feasible for rehabilitation.

 It must be determined that in all probability the structure would be rehabilitated at some point in time even though it was assigned a lower priority.

3. The structure must be deficient in such a manner that it will pose a threat either to the health and safety of the occupants and/or the structural soundness of the building (e.g., a bad and leaking roof, an inadequate heating system, etc.)

When the above facts are present the staff shall prepare a written summary and attach it to the individual's file. Subsequently, the case shall be implemented as appropriate to the particular situation.

## G. Appeal Process

Any applicant who is rejected as being ineligible or whose home is considered non-feasible for rehabilitation may appeal the decision before the Citizens Review Board which shall pass its recommendations along to the Redevelopment Commissioners, who shall have final determination. If favorable review is granted, one's application shall be subject to the above criteria in the same manner as any other applicant. An applicant may appeal if his/her case is in active consideration but has not been processed as a result of a low-priority status. An applicant who is considered a low priority shall be told why and by what method such a determination was made. Subsequently, an applicant may request a hearing if he feels that the general priority determination criteria are discriminatory against him and individuals in similar circumstances.

The applicant who desires an appeal is charged with completing the appeal request form (see attached form). The staff will, however, explain the form to the applicant and what is expected from the applicant's written commentary. The appeal will be heard at the next regularly scheduled meeting of the Citizens Review Board. An applicant should be advised that his appeal must be received by the staff 48 hours prior to a scheduled meeting of the board. Otherwise, the appeal shall be heard at the following scheduled meeting. The applicant's case will then be heard by the Commissioners at their next regularly scheduled meeting after the citizens review board has made its recommendations.

## H. Release of Information and Confidentiality

All applications are strictly confidential. Only representatives of the Department of Redevelopment who deal directly with the programs shall have access to files. However, if one, who is working for the advantage of the applicant, wishes access to the files of that applicant and has written approval of that applicant then the interested party shall have access to the applicant's file.

Consistent with the above, disclosure to anyone but the applicant or his designee of the priority grouping to which the applicant qualifies or any other information that would reveal either directly or implicitly the financial status of the applicant is prohibited.

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. Impact - 25 pts. Max.			
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B.Need			A
or	ss (12 to 15 pt 1 pts)	:s) : Income (up to 7 pt:	
c. 70 to 74 (3pts) d. 75 to 79 (4pts)			(1) (1)
C. Individual and Site E	valuation (up t	o 6 pts)	
1. Reason 2. Reason 3. Reason 4. Reason 5. Reason			(1) (1) (1) (1) (1)

Grand Total

## APPEAL REQUEST

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REAS	ON FOR APPEAL (check one)			
	1. Eligibility Determination	on 🔲		
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