



Nassau County
HOME Down Payment Assistance Program
For First-Time Homebuyers

2018

PROGRAM GUIDELINES

All Applicants are required to read the below Guidelines and affix their signature to the Acknowledgment on page 10 of the Application signifying that they have read the Guidelines. Nassau County strongly recommends that you consult an Attorney prior to reviewing and accepting this document. Should an application be approved, the Applicant will be required to provide a copy of this document to their attorney.

Nassau County and LIHP are not responsible to any party for the loss of a down payment or any other damages which may arise as a result of a person's failure to adhere to the terms of the 2018 Program Guidelines, herein.

Any party whose application has been reviewed and determined to be eligible must give a copy of the 2018 Program Guidelines to their Attorney(s) immediately. The 2018 Program Guidelines contain important legal information/language which must be written into any contract for purchase of a home through this program. Nassau County and LIHP are not responsible to any party for the loss of a down payment or any other damages which may arise as a result of a party's failure to incorporate the 2018 Program Guidelines terms/language into any contract for purchase of a home through this program.

PLEASE PRINT A COPY & RETAIN THESE GUIDELINES AFTER
SUBMISSION OF APPLICATION AS THEY CONTAIN IMPORTANT
PROGRAM INFORMATION.

Nassau County reserves the right to exercise final approval on any application.

I. Grant Assistance

Under this program Nassau County (NC) will provide eligible first-time homebuyers up to \$25,000 towards down payment/closing costs for the purchase of a Nassau County approved single-family home. Eligibility and approval by Nassau County is based upon Federal regulations, which cannot be waived and/or modified. Nassau County approval is a prerequisite to receiving any grant funds. Only single-family homes which meet Federal Housing Quality Standards will be eligible. Nassau County and LIHP are not responsible, to any party, for the loss of any deposit and/or down payment on a home, which has not passed a Federal Housing Quality Inspection. This program can be coupled with most other types of assistance programs and mortgages available, but cannot be used with any program already being funded with HOME funds through Nassau County.

II. Program Eligibility

In order to be eligible to participate in the Nassau County Down Payment Assistance Program, a first-time homebuyer must meet the income limits described below, homebuyer contribution and have an acceptable credit history as defined by the standards contained in these guidelines. These standards reflect the objective that HOME funds used for homeownership opportunities with other non-HOME mortgage debt is affordable to and sustainable by the borrower.

a) Income Guidelines¹

The maximum permitted annual household income for purchasers in the Nassau County HOME Down Payment Assistance Program shall not exceed 80% of the median annual household income for the area as determined by HUD:

<u>Household Size</u>	<u>Maximum Total Annual Household Income</u> ²	<u>Minimum Total Annual Household Income</u> ³
1	\$ 65,350	\$30,000
2	\$ 74,700	\$30,000
3	\$ 84,000	\$30,000
4	\$ 93,350	\$30,000
5	\$100,850	\$30,000
6	\$108,300	\$30,000
7	\$115,750	\$30,000
8 or more	\$123,250	\$30,000

¹ Before applying, potential applicants with Housing Choice Vouchers should contact:
Nassau County Office of Community Development
Homeownership Center, Suite B
40 Main Street, First Floor
Hempstead, NY 11550
Tel# (516) 572-2723

² Includes all income — overtime, bonuses, pensions, social security, 401K distributions, tips, etc. Total household income minus allowable exclusions cannot exceed the maximum annual income listed above for your household size. The Long Island Housing Partnership (LIHP) must project the income that will be received for the upcoming 12-month period. Tax returns will be required for all household members whose earnings will be used as part of the income qualification. Any person whose earnings will be used to qualify for the program will be required to sign a '4506' tax release form to verify their tax returns with the Internal Revenue Service.

³ Minimum Total Annual Household Income does not apply to applicants participating in the Section 8 Home Ownership Program.

b) Credit History Standards

The following credit history standards will be analyzed in conjunction with income limits to determine program eligibility:

- Applicants must have an overall good pattern of credit behavior including a history of timely payments for rent, automobile and installment loans, credit cards and revolving loans as described below. If a good payment pattern has been maintained, isolated cases of slow/late payments may not disqualify an applicant for program eligibility.
 - Applicant must not have been late on rental payments in the last 12 months.
 - Payments on automobiles and installment loans should reflect no late payments in recent 24 months.
 - Payments on revolving loans or credit cards should not have any late payments in recent 24 months.
- Applicants must have a satisfactory income, credit and employment history.
- At a minimum, a bankruptcy must have been discharged at least three years from date of application for assistance and credit re-established.
- At a minimum, a foreclosure sale or a transfer of title in a deed in lieu of foreclosure must be at least three to five years old from date of application for assistance.
- No outstanding collection accounts or judgments.
- As part of the credit history and mortgage ability review, LIHP will utilize the middle credit score of all borrowers from three national credit repositories. At a minimum this credit score must be at least 580. (Higher credit scores may be required by lenders).
- The credit standards listed above are to determine program eligibility and do not represent a mortgage approval. The applicant is responsible for securing a mortgage approval through a responsible lending institution.

c) Home Buyer Contribution

Applicants, at time that the application is submitted to LIHP, must have a minimum of \$5,000 in savings/checking accounts or verifiable liquid assets from their own funds and/or retirement accounts (401k, 403b etc.) to apply towards the down payment. **The required \$5,000 must be shown in the most recent bank/retirement statements submitted with application.** All statements submitted must show the bank name, account holder's name and account number with a detailed list of transactions.

III. Gift Letter

LIHP will allow a gift letter from an immediate family member stating that the money provided is in the form of a gift and will not have to be repaid. This letter must be signed, notarized and submitted with the application. This gift contribution **cannot** be used towards the \$5,000 minimum home buyer contribution.

IV. Property Value Limit

The purchase price of the single family home to be purchased may not exceed 95% of the median purchase price for Nassau County, **as established by HUD annually.** The maximum purchase price of a single-family home is **\$409,000.** Please verify this figure with LIHP prior to signing a contract. If the property appraises lower than the purchase price, down payment funds will not be available to purchase the home.

V. Applicant Eligibility

Applications received shall be evaluated and must be certified as program eligible on a first come, first served basis according to the Application Intake and Qualification process in Section XIII.

A letter from LIHP detailing the eligibility or ineligibility will be sent to each applicant after a full review of the applicant has been conducted. Any applicant who does not close on a house within six (6) months of the date of income eligibility letter sent by LIHP will be required to have their income eligibility recertified. The recertification process requires that the Applicant resubmit copies of four (4) current paychecks and copies of personal financial information to determine that they still meet the eligibility requirements of the program.

VI. First-Time Homebuyer Requirement

This program is limited to first-time homebuyers only as described below:

- A household that has not owned a home during the three-year period immediately prior to the date of application for assistance is considered a first-time homebuyer.
- Applicants may own vacant land or a vacation timeshare provided that they have not received the benefits of the mortgage interest deduction and/or property tax deduction during the prior three years from date of application for assistance.
- Applicants who do not hold title to a home but did receive the benefits of the mortgage interest deduction and/or property tax deduction during the prior three years from date of application are not considered first-time homebuyers.
- Please contact LIHP with any questions regarding this requirement.

VII. Eligible Housing Types

Eligible homes are pre-existing or newly constructed single-family residences located within Nassau County, occupied as a principal residence and cannot contain any rental units or second kitchens.

Housing types include:

- Detached Single-Family Units
- Town Houses
- Condominiums
- Co-operative Apartments
- Manufactured homes
- Residences cannot contain any rental units.

NO Short Sales, Foreclosures, Bank Owned or Real Estate Owned properties are permitted in this program.

Only single family homes are eligible to receive down payment assistance. All single family homes to which the applicant seeks to apply their purchase certificate, must meet Federal Housing Quality Standards in order for said house to be eligible for down payment assistance. For the purposes of this program, all homes are considered "ineligible" until said home passes the Federal Housing Quality Standards inspection and until Nassau County gives written notice that a home is "eligible" to receive grant funds. Nassau County will make the only and final determination as to the eligibility of a home based upon federal requirements, which cannot be waived and/or altered.

Any contract for the purchase of a home under this program should contain language that such an agreement is conditioned upon said home passing a Housing Quality Standards Inspection and receiving written approval that said house is eligible to receive grant funds. Written approval by Nassau County deeming a house "eligible" is required in order for an applicant to use grant funds toward down payment assistance. Nassau County is not responsible to any party for the loss of a down payment or any other damages which may arise as a result of a person's failure to adhere to the terms of the 2018 Program Guidelines, herein.

VIII. Residency Requirement

Applicants must occupy the property as their principal residence during the period of affordability. The period of affordability is ten (10) years pursuant to HUD guidelines. Should the Applicant sell the home prior to the expiration of the ten (10) year affordability period, all grant funds must be repaid in full upon completion of sale of said home and on a primary basis. Applicant cannot use the property as a "rental" property or use the property in any manner other than as a primary residence.

IX. Pre-purchase Guidelines

Applicant cannot have entered into a contract to purchase a home prior to the receipt of a purchase certificate from LIHP. Eligibility is determined by Nassau County according to Federal requirements.

X. Homebuyer Selection Area

All homes must be purchased within Nassau County, New York.
Homes purchased in a flood zone must have flood insurance.

XI. Mortgage Ability & Mortgage Counseling Requirements

Applicants must have adequate resources and credit to qualify for a home mortgage. Eligible applicants are required to attend LIHP's pre-purchase mortgage counseling. (This counseling session is free of charge and takes approximately 2 hours. LIHP is a HUD certified mortgage-counseling agency). If you have a copy of a counseling certificate issued by LIHP within the last 12 months, please submit a copy with your application as you may have met the home buyer counseling requirement.

LIHP assists qualified applicants in securing a mortgage. (However, it is the responsibility of the applicant to secure a mortgage.) Applicants must submit to LIHP all standard documentation required for mortgage processing, including signed copies of the last three years of their Federal Income Tax Returns, 2017 W-2 forms, four (4) most recent consecutive pay stubs for every household member age 18 or older (pay stubs must show year to date earnings) and two (2) months most recent bank statements (all pages) and investment accounts, for every household member age 18 or older, showing assets needed for down payment and closing costs.

It is the responsibility of the Applicant to secure a mortgage. Federal regulations require that the amount of down payment assistance be necessary and reasonable. To meet this requirement, LIHP will conduct a mortgage ability analysis to establish the appropriate amount of down payment assistance. A standard of 25% of income for front-end housing cost (principal, interest, taxes and insurance) shall be applied. This amount will be determined based on the applicant's income and sales price of home. After LIHP has conducted this analysis, any applicant whose front-end housing costs are less than 25% of their income will have their down payment assistance reduced to meet 25% standard. Please notify or forward LIHP a copy of the accepted offer and loan application (1003) from lender, as soon as possible, to expedite the mortgage ability analysis.

In addition, all loans to finance the purchase of a home will be reviewed to meet program standards. Any loan application that results in a back-end (debt-to-income) loan ratio greater than 45% will not be allowed.

XII. Restrictions

Mortgages must be qualified and with a recognized lending institution. The following types of mortgages are not permitted under the First Time Homebuyer Program:

1. Private mortgages are not permitted.
2. "No Doc" Loans, 100% financing, and 80/20 loans are not permitted.
3. 203K loans are not permitted.
4. Adjustable rate or interest only loans are not permitted.
5. Non-occupying Co-Borrowers are not permitted.

XIII. Application Intake and Qualification

Applications will be evaluated and certified on a first come, first served basis. The deadline for submitting applications and supporting documentation will be when LIHP has qualified 85 applicants as eligible or September 7, 2018, whichever comes first. Participation in the program after the above criteria has been reached will be at the sole discretion of Nassau County and based upon the availability of federal grant funds.

Eligible applicants will be required to attend mortgage counseling through the LIHP. Upon successful completion of the mortgage counseling, the eligible applicant will be issued a mortgage counseling certificate and will receive a Purchase Certificate from LIHP within 2 to 3 weeks. Only applicants who receive mortgage counseling through LIHP will be eligible for a Purchase Certificate. Applicants must contact LIHP to schedule a counseling session.

Applicants with a valid Purchase Certificate will be given until January 31, 2019, to enter into a fully executed contract of sale to purchase an eligible home and provide LIHP with a copy of the fully executed purchase contract. The Purchase Certificate will become null and void if the applicant does not provide LIHP with a fully executed purchase contract by January 31, 2019, or if the funding limit for the program year has been reached. **No extensions of these requirements will be granted.**

All applicants must close on a home by June 28, 2019, with a recognized lending institution. **No extensions will be granted.** To meet the June 28, 2019 closing deadline, the mortgage commitment and supporting documents must be received at LIHP by April 30, 2019.

XIV. Home Inspection Requirement

The residential property to be purchased must pass a Housing Quality Standards Inspection as a pre-requisite for receiving any grant funds. This inspection is provided by Nassau County and is solely for the purpose of ensuring that the home meets a minimum standard of quality pursuant to the U.S. Department of Housing and Urban Development regulations (HUD). Without exception, this program will not fund homes that fail the Federal Housing Quality Standards Inspection.

Nassau County strongly recommends that the recipient of a Purchaser's Certificate not enter into any agreements until the potential home has passed the Federal Housing Quality Standards Inspection. If you do enter into any agreement, the agreement should contain language that such an agreement is conditioned upon said home passing a Housing Quality Standards Inspection and receiving written approval that said house is eligible to receive grant funds. In addition to the HQS inspection, the applicant should have a licensed home inspector inspect the property at the applicant's expense after conferring with your attorney.

Nassau County and LIHP are not responsible to any person, party, entity, Applicant, buyer, seller, etc., for the loss of any deposit and/or down payment on a home which has not passed a Federal Housing Quality Inspection.

XV. Proof of No Lead Based Paint

The purchase of a residential property constructed prior to 1978 must pass a **visual** lead based paint assessment conducted by a certified lead based paint inspector. LIHP must be provided with written certification of this assessment. **The program will not fund homes that do not pass this initial assessment.** Homes built after 1978 are not required to have this assessment; however, it is the responsibility of the applicant, under the program, to provide LIHP with proof that the home being purchased was constructed after 1978. **LIHP and Nassau County are not responsible for the cost of the visual assessment.** Qualified applicants will be provided with a Lead Paint Information Packet and a list of certified lead paint inspectors at the time the Purchaser Certificate is issued.

XVI. Pre-Contract Agreement

The purchaser of the home cannot displace an existing tenant. Both the purchaser and the seller will be required to sign a Pre-Contract Agreement to verify that this restriction is not being violated.

The applicant must not have entered into a contract to purchase the house prior to the receipt of a purchase certificate from LIHP. All homes must be purchased within Nassau County, New York. No funds will be issued if a closing occurs prior to full and complete satisfaction of all of the 2018 Nassau County Down Payment Assistance Program Guidelines, herein. **Nassau County and LIHP are not responsible for any funds lost as a result of enforcement of the 2018 Program Guidelines.**

XVII. Annual Re-certification

For up to ten (10) years after purchasing the home, a monitoring affidavit will be mailed annually to the grant recipient. This affidavit will ask the grant recipient to verify, in writing, that they are maintaining the following required guidelines:

- They are the current owners of the assisted home;
- The assisted home is being occupied as their primary residence;
- The assisted home is insured and maintained in compliance with the terms of the Note(s) and Mortgage(s); and
- No interest in the assisted home has been sold, rented or transferred.

Failure to adhere to the terms of the monitoring requirements may result in the immediate recapture of the entire amount of grant funds previously awarded.

XVIII. Closing

Applicant(s) shall send all documents including: Pre-Contract Agreement, Contract of Sale, Mortgage Application (Form 1003), Loan Estimate, Appraisal, Mortgage Commitment, and Lead Based Paint Assessment to LIHP, as agent for Nassau County. **Please forward documents to LIHP as you receive them. Do not wait until you have all documents. A minimum of four (4) weeks should be allowed between when all signed documents are received by the Long Island Housing Partnership and the date of the closing.** See Section XIII for program deadlines.

Nassau County will notify the applicant's attorney when funds are available to close. At closing, the recipient will be required to sign a Certification of Family Income and a Nassau County Note & Mortgage.

The Note and Mortgage are subordinate to the prime lender (the institution providing the primary mortgage) and includes an affordability period of ten (10) years. The Down Payment Assistance Program funds are essentially a deferred payment, non-interest bearing loan, to assist the buyer in a first-time home purchase. If the home is kept in compliance during this time period (10 years), the loan is forgiven and no payments will be required on the loan. Upon completion of the ten (10) year affordability period and assuming the home is in compliance, the applicant may request an "application for satisfaction" from Nassau County or LIHP and the **applicant will be responsible** for any and all fees associated with preparing and filing the satisfaction at the Nassau County Clerk's Office.

Once all legal matters are satisfied a closing will be scheduled by Nassau County.

HOME Down Payment Assistance Program monies will be provided to the buyer by Nassau County at the closing. A Nassau County representative will attend all closings, regardless of the funding source.

XIX. Complete Application Requirement

A non-refundable application fee of \$75.00 made payable to the Long Island Housing Partnership, Inc. is required to be submitted with the application. Therefore, before you make an application for entrance into this program, read the guidelines thoroughly. Only one application is allowed. After the Application has been submitted, any changes to an application must be requested in writing and must be approved by Nassau County. Applications submitted after the deadline date will not be considered.

Completed applications received shall be evaluated and certified on a first come, first served basis based on the availability of funds.

A letter from LIHP, detailing the eligibility or ineligibility, will be sent to each applicant after a full review of the applicant has been conducted.

Applications can be completed and submitted online at: www.lihp.org or by being mailed to or submitted to the LIHP office in Hauppauge.

- Online applications must be received by 5pm on September 7, 2018.
- Applications submitted by mail must be postmarked by September 7, 2018.
- Applications submitted directly to the LIHP office in Hauppauge must be received by 5pm on September 7, 2018.

For those applicants applying online, the application fee of \$75.00 can be paid through the secure payment service. Upon completing the online application you will be directed to the payment section. Follow the payment instructions to make payment by debit or credit card. Upon payment you will be sent an email confirming payment and an application receipt. Your application cannot be accepted as complete until payment is received and the supporting documentation listed on the Checklist of Required Documentation is submitted. The supporting documentation can be submitted by uploading the scanned documents to the online application or you may scan and e-mail documents to the Program Assistant at nodpap@lihp.org or mail the documentation to LIHP office in Hauppauge.

For those applicants submitting an application by mail or in person, please send the completed application and supporting documents listed on the Checklist of Required Documentation accompanied by a check or money order for the \$75.00 application fee (do not send cash) and a signed copy of the Program Guidelines acknowledgement to:

The Long Island Housing Partnership
180 Oser Avenue, Suite 800
Hauppauge, NY 11788
Attention: Nassau County Down Payment Assistance Program

This is a first-come, first-served program and only complete applications will be accepted. Applications will not be considered complete until the supporting documentation listed on the Checklist of Required Documentation and the Application Fee payment is received.

Application Deadlines

1. September 7, 2018: Last day to submit applications to LIHP. If the 85 program eligible applicants are reached before this date, LIHP will stop accepting program applications.
2. January 31, 2019: Last day to submit a contract to purchase an eligible home to LIHP.
Failure to submit a purchase contract will nullify Purchaser's Certificate.
3. April 30, 2019: Last day to obtain a mortgage commitment and submit all required documents to LIHP.
4. June 28, 2019: Last day to close on an eligible property.

INQUIRIES:

LONG ISLAND HOUSING PARTNERSHIP, INC.
As agent for Nassau County Office of Community Development
Hauppauge Office:
180 Oser Avenue, Suite 800, Hauppauge, NY 11788
(631) 435-4710

Nassau Office:
LONG ISLAND HOUSING PARTNERSHIP, INC.
C/O Nassau County Office of Community Development
40 Main Street, First Floor
Homeownership Center, Suite B
Hempstead, NY 11550
(516) 572-2723