

## **ANTRIM COUNTY HOUSING DEPARTMENT**

### **POLICY & PROCEDURES**

**Adopted: November 8, 2012**

**Amended: July 9, 2015**

The Antrim County Board of Commissioners adopted the following policy to provide a set of general procedures for most activities that take place within the Housing Department. Any issues that come up of a questionable or significant nature, aside from those listed in this policy, shall be brought to the Health and Public Safety Committee for direction or recommendation to the Board of Commissioners.

#### **1. Grant Applications**

- a. The Housing Director is responsible for keeping track of grant opportunities that will enhance the services provided by the Housing Department to the residents of Antrim County.
- b. The Housing Director will draft the grant application.
- c. The Housing Director will submit the grant application to the County Accountant. The Accountant will assist the Housing Director with the financial components of the grant application to assure the numbers are both accurate and reasonable.
- d. Upon approval by the Accountant, the Housing Director shall submit the grant application to the Housing Committee.
- e. Once the Housing Committee is satisfied with the grant application, they recommend approval to the Health and Public Safety Committee.
- f. Once the Health and Public Safety Committee is satisfied with the grant application, they recommend approval to the Board of Commissioners.
- g. Grants with time sensitive deadlines can be approved by the Board of Commissioners Chair, with notification to the Board of Commissioners at their next meeting, and to the Housing Committee by phone or email.

#### **2. Grant Agreements**

- a. In accordance with the *County's Authority to Sign Contracts Policy*, each grant agreement must be submitted to Legal Counsel, the Administrator, and the Accountant for review and approval. Submit the agreement to the Administration office. The Administration office will submit to the other parties.
- b. The Housing Committee recommends approval of the grant agreement to the Board of Commissioners.
- c. The Board of Commissioners approves the agreement for signature by the Board Chair.

### 3. Projects

- a. The Housing Director shall properly screen and qualify all potential applicants and projects. The Housing Director will abide by all MSHDA Policy Bulletins pertaining to the Antrim County Housing Program.
- b. The Housing Director will disclose any conflicts of interest to the Housing Committee as defined in the Michigan State Housing and Development Authority (MSHDA) Policy Bulletin.
- c. Once qualified, all projects shall be approved by the Housing Committee prior to commencing work.
- d. Emergency projects can be approved by the Chair of the Housing Committee. The Housing Director will inform the Housing Committee of any emergency project(s) at the next meeting.

### 4. Project Administration and Payment Approval

- a. All projects shall be entered into OPAL (the State's On-line Project Administration Link) by the Housing Director.
- b. In addition to the Housing Director, the County Accountant and the Chair of the Board of Commissioners shall be listed as having access/authority to the OPAL system.
- c. The County Accountant or the Chair of the Board of Commissioners shall log onto the OPAL system and shall confirm each project listed by the Housing Director.
- d. The County Accountant or Chair of the Board of Commissioners shall confirm each project that will result in the Michigan State Housing and Development Authority (MSHDA) releasing the project funds, including all administration funds for the project allowed by MSHDA.
- e. After the County Accountant or the Chair of the Board of Commissioners confirms each project, the Housing Director may approve individual expenditures for each project.

### 5. Hiring Contractors for Individual Projects

- a. The Housing Director must use the competitive sealed bid process consistent with the *Antrim County Housing Rehabilitation Program Guidelines* (as approved by MSHDA and Antrim County Board of Commissioners) when hiring a contractor for an individual project.
- b. The Housing Director and a representative of the Housing Committee open all sealed bids in an open meeting and selects the qualified contractor with the lowest bid.
- c. Once the contractor is selected, the homeowner signs a contract with contractor for the work associated with the project and the Housing Director signs the contract as a witness.

## 6. Mortgages

- a. All mortgages shall be in the name of “Antrim County” and will be between the homeowner and the County as consistent with MSHDA rules and policy.
- b. The Housing Director may draft mortgages by completing the approved mortgage form.
- c. To double-check for accuracy, the Housing Director will read the legal description on each new mortgage to another staff member who is following along from the most recent warranty deed, abstract or title insurance.
- d. Each mortgage will be signed by the homeowner(s) (mortgagor(s)), be properly notarized and in the proper form for recording with the Register of Deeds.
- e. For each mortgage, the Housing Director will assure there is title mortgage insurance or, in lieu of title mortgage insurance, a forty (40) year marketable title (prepared by the County Abstract Department). The Housing Director will review and approve the title work prepared by the Antrim County Abstract Department and if upon review finds concerns with any given title, the Housing Director will follow County procedure to have the document reviewed by Legal Counsel.
- f. Any project over \$2,500 must have a mortgage note and mortgage, or such other proper lien.
- g. Any project \$2,500 and under shall have a promissory note prepared by the Housing Director.
- h. Any change of interest rate shall be accomplished in accordance with the policies of MSHDA, Housing and Urban Development (HUD), and the County, and is to be:
  1. Approved by the Housing Committee;
  2. Sent to the County Accountant.
- i. Copies of all notes shall be provided to the County Accountant.

## 7. Subrogation

- a. The Chair of the Housing Committee is authorized to sign subrogation agreements, (changing the County’s position on the parcel) consistent with policies of MSHDA and the County.

## 8. Loan Write-offs

- a. Loan write-offs will be prepared and presented by the Housing Director pursuant to approved County policies.
- b. The Housing Committee is authorized to write-off loans of \$2,500 or less.
- c. The Board of Commissioners must authorize the write-off of any loan above \$2,500.
- d. Once action is taken by the Housing Committee or the Board of Commissioners, a copy shall be provided to the County Accountant.

## 9. Borrower Change on a Mortgage Note or a Promissory Note

- a. If a request to assume a mortgage by a family member is allowable under MSHDA policy and the Housing Committee agrees, such assumption of the mortgage document will be prepared, signed and recorded.
- b. Any change on or to any existing promissory note must be authorized by the Housing Committee and prepared by the Housing Director.
- c. Once approved and signed, a copy of the documents associated with the assumption of a mortgage or changes to the terms of a promissory note, shall be submitted by the Housing Director to the County Accountant.

10. Discharge of Mortgages

- a. Upon receiving documentation that a mortgage balance has been paid in full, the Housing Director shall prepare the discharge documents.
- b. The Housing Committee Chair will sign the discharge documents.

11. Oil & Gas Release/Subrogation Agreement

In all oil and gas leases in which the lessee (oil and gas company) is requesting a release or subrogation agreement the following shall occur:

- a. All oil and gas subrogation agreements must be approved by the Housing Committee.
- b. As long as the mortgage payments are current, and/or the mortgage is not in default, the homeowner may receive the royalty payments.
- c. If payments are in arrears, or if there is any other default on the mortgage, the County shall be entitled to all payments due under the oil and gas lease and the subrogation agreement shall so provide.
- d. The Board of Commissioners may authorize the Housing Committee Chair to sign Oil and Gas Releases/Subrogation Agreements associated with County housing projects.
- e. Legal Counsel will provide a proper form for the Oil and Gas Releases/Subrogation Agreements and/or review all such requests.

12. Delinquency

- a. The Housing Director will work with homeowners who are delinquent with their loan/mortgage payment(s) to assist them to meet their obligation.
- b. If the solution to the delinquency involves restructuring the payments, the amended payment schedule must have the approval of the Housing Committee.
- c. At each regular meeting, the Housing Director shall provide to the Housing Committee a delinquency account/mortgage default report. The Housing Committee, consistent with grants and the purpose of the housing programs may direct the Housing Director, County Accountant or Legal Counsel to take such collection action as is legal and consistent with grants and the purpose of the program.

13. Bankruptcy

When a project of the Housing Program becomes a part of a bankruptcy, the Housing Director will:

- a. Send the bankruptcy paperwork to Legal Counsel.
- b. Send the bankruptcy paperwork to the County Accountant.
- c. Notify and inform the Housing Committee.
- d. The Housing Committee or representative from the Housing Committee will meet with legal counsel to review the options and formulate a plan of action.

14. Foreclosure

- a. The Housing Committee shall make the determination as to whether the mortgage is in default and whether or not the mortgage should be foreclosed.
- b. If the County's mortgage is inferior to other liens on the property and the superiority mortgage or lien is being foreclosed or threatened to be foreclosed, then the following shall occur:
  1. The Housing Director shall advise the Housing Committee Chair.
  2. The Housing Director shall make a visit to the home and shall prepare a report in a form acceptable to the Housing Committee indicating, at the very least, the condition and value of the dwelling.
  3. The Housing Director shall formulate a plan of action and present it to the Housing Committee Chair and Committee.
  4. The Housing Director shall provide a copy of all notices, letters, etc. concerning the project and foreclosure and shall forward same to Legal Counsel. The Housing Director shall work with legal counsel and provide other such documents as Legal Counsel may require.
  5. Legal counsel shall; make recommendations to the Housing Director and the Housing Committee.
  6. The Housing Committee shall determine the course of action taken, including foreclosure.