

**HIDALGO COUNTY**

**GUIDELINES FOR HIDALGO COLONIA SELF-HELP CENTER (SHC)**

**COLONIA HOUSING ASSISTANCE PROGRAM**

**REHABILITATION/RECONSTRUCTION/NEW CONSTRUCTION  
COLONIA SHC HOME REPAIR**

**I. INTRODUCTION**

Hidalgo County (“the County”) has received Colonia Self-Help Center Program (SHC) funds administered by the Texas Department of Housing and Community Affairs (“Department”), to provide a housing rehabilitation, reconstruction, new construction and/or Colonia SH Home Repair assistance program herein referred as the Colonia Housing Assistance Program (CHAP). The program will be directed to very low, low, and moderate income (“LMI”) homeowners and their immediate family (spouse, parents, dependent children/grandchildren) who reside in the same housing unit, located within the boundaries of the 5 designated colonia areas identified in the County’s contract: Whitewing Subdivision, Linda Vista Estates Subdivision, Muniz Subdivision, Carlos Acres Subdivision, and Roadrunner #2. The assisted homeowners and other unassisted applicants for housing assistance are herein referred to as “applicants.”

**Hidalgo County Urban County Program, Executive Director**, herein referred to as the “SHC Coordinator”, has been appointed by the County to administer the program and can be reached at:

427 E Duranta Ave, Suite 107  
Alamo Texas 78516  
(956) 787-8127

\_\_\_\_\_, Non-profit employee, herein referred to as the “CHAP Coordinator”, has been appointed by the County to administer the program and can be reached at:

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## II. PROGRAM OBJECTIVES

The following objectives are provided for the implementation and administration of a successful CHAP.

- A. The primary objective of the CHAP is to provide decent, safe, and affordable housing for LMI applicant homeowners. This may be accomplished through new construction, rehabilitation or reconstruction. Rehabilitation and reconstruction must bring substandard, single family dwelling into in compliance with the Texas Minimum Construction Standards (TMCS) established by the Texas Department of Housing and Community Affairs Single Family Operations and Services Division (the Division). HUD's Section 8 Existing Housing Quality Standards ("HQS"). Colonia SH with Home Repair must bring the portion of the home repaired to TCMS HQS.
  1. The CHAP Coordinator will be the designated authority to administer the assistance components of the program, i.e., to take applications, verify eligibility, schedule inspections with a Texas Real Estate Commission (TREC) licensed inspector, coordinate and review work write ups and cost estimates, prepare bidding documents, conduct oversight with the applicant/homeowner, and conduct progress inspections for submission of Housing Rehabilitation Payment Requests (draw downs).
  2. The SHC Coordinator will oversee all non-profit activities and have final decision making authority on applicant eligibility.
  3. The CHAP will be operated in accordance with all the applicable rules and regulations of the County and the Department.

## III. ASSISTED HOMEOWNER ELIGIBILITY – THRESHOLDS

The following are threshold requirements, which must be met for an applicant to be eligible for assistance. Eligibility does not assure funding, since it is expected that there will be more eligible applicants than can be served with available funds.

- A. **Income Eligibility.** The income limits to be utilized for the CHAP are the current income limits for LMI households established yearly by HUD for the Section 8 Housing Program. Income guidelines may change with accordance to HUD section 8 Housing Program. Household eligibility will be 80% or below LMI.

*\*The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low (30%) income limits may equal the very low (50%) income limits.*

B. **Proof of Ownership.** The applicant must be an individual (and/or spouse) who owns and occupies a single-family residential unit within the targeted colonias identified in the County's contract. Ownership can be documented as follows:

1. possesses a valid deed of trust or mortgage deed which has been filed for record with the County Clerk's office and which included reasonable rights of redemption and quiet and peaceful possession of the property as determined by the CHAP Coordinator;
2. possesses a life estate, which has been filed for record at the County Clerk's office;
3. Maintains a 99-year leasehold interest in the property; or,
4. possesses a fee simple title to the property,
5. Contract for deeds must be converted into a traditional mortgage and have title to the property prior to being assisted under the CHAP.

C. **Length of Ownership:** The unit must be the applicant's principal residence for at least two (2) years prior to application date. Homeownership verification may include but not limited to payment history on utilities, phone bills, school records or tax statements.

D. **Property Taxes:** Applicant must furnish evidence that all property taxes assessed on the property proposed for assistance have been paid prior to the award of the assistance, or the property owner qualified for and received a tax deferral as allowed by law under Section 33.06 of the Texas Property Tax Code.

An applicant who is meeting the term of a payment plan, may only participate in the Colonia SHC Home Repair.

E. **Insurance**

1. Under the CHAP, a fire and hazard insurance must be provided to assisted homeowners. The coverage policy shall be for one year and shall commence at completion of rehabilitation/reconstruction/new construction. Fire and hazard insurance will be purchased on behalf of the assisted homeowner by the CHAP using Colonia SHC funds. Funds to provide insurance coverage for years after the one year term will be the responsibility of the homeowner.

2. If the unit is located in a flood hazard area, flood insurance must be in effect for the duration of one year. Flood insurance will be purchased on behalf of the assisted homeowner by the CHAP using Colonia SHC funds. The term of the policy shall be for up to one year. Funds to provide insurance coverage for years after the one year term will be the responsibility of the homeowner.
3. No insurance is required for the Colonia SH Repair program.

#### **IV. PROPERTY ELIGIBILITY**

##### **A. Unit Characteristics**

1. Only single-family units will be eligible for housing assistance. A family is defined as one or more other persons living in the same household who are immediate family. Immediate family members are considered to be spouses, parents, children, and grandchildren.
2. Manufactured homes will not be rehabilitated under the CHAP.
3. Rehabilitation costs that exceed \$20,000 will require reconstruction. If reconstruction funds are not available, the County will exercise the right to walk away.
4. Reconstruction of a housing unit will consist of a replacement with a home that will meet only the current needs of the family or individual.
5. Reconstruction of a manufactured home will consist of a replacement manufactured home.

**B. Location:** Units must be located within the targeted colonia identified in the contract.

#### **V. CONDITION REQUIREMENTS**

- A. Upon completion of the rehabilitation or reconstruction, units must comply minimally with HQS – TMCS.
- B. “Suitable for Rehab” is defined as a unit occupied by LMI which can be brought up to HQS TMCS with a Colonia SHC investment not to exceed \$20,000.
- C. “Unsuitable for Rehabilitation” is defined as a residential unit which has major structural conditions that were either inadequate original

construction, or has failing foundation, floor, wall, ceiling, roof, and exterior systems. Systems failures or violations in electrical, plumbing, door, windows, and other building components will also be taken into consideration. The CHAP Coordinator will document specific conditions and determine that more than fifty percent (50%) of the house must be demolished in order to comply with HQS TMCS and/or the cost of rehabilitation will exceed the maximum amount of assistance available by housing unit type or inadequate grant funds are available for the County to satisfy its contract with the Department.

## **VI. TYPES OF IMPROVEMENTS**

- A. Improvements needed to meet HQS TMCS and cost effective energy measures are eligible improvements.
- B. Improvements must be physically attached to the house and be permanent in nature (e.g., sheds or garages located separately from the house are ineligible). Eligibility of attached structures such as carports or utility rooms is based upon available funds and agreement by the Department in cases where safety or the structural integrity of the house is involved.
- C. Improvements will include as necessary lead-based paint abatement, asbestos abatement, handicapped accessibility for special needs, energy efficiency or ventilation items such as ceiling fans, window screens, screen doors, and window blinds.
- D. Cook stoves, refrigerators, and other necessary appliances are eligible items, but will only be considered when they are not present or the repair would not be cost effective. Such items are contingent upon availability of funds.
- E. Required permits, if any, will be obtained by the awarding non-profit and/or sub-contractors at their expense and will be included as part of the bid costs.
- F. Assistance will not be used for luxury items, including but not limited to barbeque pits, deck around swimming pool, equipment (used commercially or industrially, farm or dairy), exterior hot tubs, flower boxes, food mixers, freezers, garage door openers, greenhouses, irrigation systems, luxury doors, saunas, spas, or whirlpools, security systems, television satellite dishes, and other items as determined by the CHAP Coordinator. Fences may be allowed only for health and/or safety reason which can be supported with property documentation.

## **VII. SUPPLEMENTAL REHABILITATION IMPROVEMENTS**

- A. All debris, abandoned vehicles, and derelict buildings must be removed from the property prior to the start of rehab work or the moving of the house for new construction or reconstruction. The assisted homeowners will remove whatever they are physically able to remove. If assistance is needed applicants must notify the CHAP coordinator.
- B. All electrical components must be inspected including service, meter, wiring, and fixtures even if no electrical work is being specified. Unsafe components must be replaced. All exposed wiring, switches, and light bulbs in living areas must be encased.
- C. All homes must be equipped with a hard wired or battery operated smoke detector in conformance with the Federal Fire Prevention and Control Act of 1974.
- D. Home inhabited by handicapped or elderly persons must be analyzed as to the special physical needs of such persons. Improvements such as widened doorways, ramps, level entry and doorways, and grab bars in bath must be installed, if appropriate.

#### **VIII. MAXIMUM CEILING OF HOUSING ASSISTANCE**

The maximum ceiling for assistance on single housing units are as follows: rehab \$20,000, \$10,000 colonia small home repair and \$50,000 \$55,000 for the reconstruction and new construction of a single housing unit. (All figures include the cost of demolition).

#### **IX. HOUSING ASSISTANCE**

- A. **Type of Assistance** – The housing assistance provided shall be in accordance with the Texas Department of Housing & Community Affairs Colonia Self-Help Center Program Rule Title 10, Part 1, Chapter 25, as adopted effective August 20, 2017.

As per Chapter 25.7(g), New Construction, Reconstruction or Rehabilitation, provided by the program to households with annual incomes that are equal to or exceed 50% of the area median family income, shall have a recorded and enforceable lien placed on the property secured by a deferred forgivable loan to which title will be held by the TDHCA. The loan will be at zero-interest. A forgivable loan resembles a grant in that if the present owner retains the property for a specified period of years, no repayment is required. The forgivable loan is instituted through use of a promissory note. The assisted homeowner shall provide a mortgage lien through a deed of trust against the property to the CHAP in the amount stipulated on a related promissory note. Each year the assisted homeowner retains ownership and resides in the home a percentage of

the amount is forgiven as if it were a grant. Assistance under the Colonia SH Repair program shall be in the form of a grant.

As per Chapter 25.7(h), New Construcion, Reconstrucion or Rehabiliton, provided by the program to households with annual incomes that are equal to or exceed 50% of the area median family income, shall be given a grant.

- B. **Repayment Note:** If the assisted homeowner continues to occupy the home until the term of the note expires, the owner pays nothing and there are no conditions on the disposition of the property. If the property is sold, transferred or vacated by the assisted homeowner for any single period that exceeds thirty (30) days during the five-year forgivable loan period, the repayment terms of the promissory note will be enforced except in those cases addressed in paragraph IX.C below and with the exception of migrant workers who may be out for more 30 days due to employment. If the assisted homeowner for any reason ceases to reside in the assisted unit during the contract period, only LMI persons may reoccupy the unit until the contract is administratively closed by the Department.
- C. **Accelerated Forgiveness in Certain Cases:** In the event of (1) the death, (2) relocation to a managed care facility, or (3) relocation resulting from documented mental or physical incapacitation of the sole remaining assisted homeowner identified in the original application, the County may forgive any remaining loan balance.
- D. **Relocation Assistance:** Relocation assistance will not be provided. Participation in the Colonia SHC Housing Assistance Program by the assisted homeowners is voluntary.

## **X. CONFLICT OF INTEREST**

- A. The conflict of interest regulations contained in the Colonia SHC contract between the County and the Department prohibit local elected officials, County and colonia SHC employees, consultants and contractors who exercise functions with respect to Colonia SHC activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, from receiving any benefit from the Colonia SHC activity either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter.
- B. For purposes of this section, “family” is defined to include parents (including mother-in-law & father-in-law), grandparents, siblings (including

sister-in-law and brother-in-law, and children of an official covered under the CDBG conflict of interest regulations at 24 CFR Sec. 570.489(h).

## **XI. SELECTION OF APPLICANTS**

### **A. Applicant Policies**

1. The CHAP will benefit the number of very low, low, and moderate income households cited in the Colonia SHC contract unless a change is approved by the Department. Income eligibility is defined by income as computed on the most current HUD Section 8 Income Limits. Any activity carried out with Colonia SHC funds that involves rehabilitation, new construction or reconstruction of property to provide housing is considered to benefit very low, low and moderate income persons only to the extent such housing will, upon completion, be occupied by such persons.
2. The CHAP will not benefit above moderate-income persons (up to 80% area median family income) to the exclusion of low-income persons (up to 50% area median family income).
3. The CHAP will ensure that every individual is treated with fairness and consistency. The adopted guidelines will apply equally to each applicant.

### **B. Priorities for Evaluating Applicants.**

All eligible applicants will be rated based on first come first serve basis.

### **C. Selection and Approval of Applicants**

1. The awarding non-profit will be responsible for advertising the availability of the CHAP. They will also be responsible for application intake.
2. Applications will be taken by face to face interviews during regular working hours until all funds are exhausted. Applicants who clearly do not qualify will be informed in writing immediately after their interview that they do not meet baseline eligibility criteria.
3. All eligible applications will be reviewed and pre-qualified by the CHAP Coordinator and then forward to the County for final approval.
4. All eligible applications will be reviewed and approved by SHC coordinator.

5. All eligible applicants will assist in the repairs or construction of their home. Each applicant will contribute Sweat equity hours as necessary. Individuals that are disabled and or elderly will be given sweat equity hours that are in our hour bank. They will have the option of having any other family member or volunteer to do the sweat equity hours for them.

**D. Income and Asset Limits**

1. The gross income of households to be benefited must not exceed 80% AMFI HUD's current Section 8 Income Limits for LMI according to household size.
2. All income will be verified from independent source documentation such as paycheck stubs for a 3 months period or a fully completed Verification of Employment Form (Fannie Mae Form 1005), certified letter from employer(s), benefit letter from the Social Security Administration, or copies of signed income tax returns and W-2s for the preceding 2 years. Income will be verified for all members of the household 18 years and above.
3. Assets that can be quickly converted into cash are considered liquid assets. These include bank accounts, stocks, bonds, mutual funds. Applicant's liquid assets will be included for income calculation purposes.

**XII. CHANGE ORDERS AND COST OVERRUNS**

Effort will be made to limit the number of changes made to the scope of work for each assisted unit. However, a typical rehabilitation/reconstruction/new construction contract cannot possibly cover or anticipate every contingency. For example, the initial inspection for a rehabilitation project can easily miss termite damage, which is discovered during the course of the project. This damage cannot be ignored and an alteration in the scope of work is required to take care of it. This alteration is authorized by means of a change order.

The change order form provided by the Department will be utilized to explain in writing any variation from the work write-up. It will become an addendum to the contract and will be specific with respect to the work to be performed, cost and the schedule. It can be initiated by any party to the contract, but must be formally approved by the assisted homeowner, the contractor, and the CHAP and SHC Coordinators. Department approval is required for all change orders.

Change orders can cover any sort of revision to the contract, including: adjustments in the method by which a task is to be completed; adjustments to the

specifications in the work write-up; change in scheduling; additional or deleted activities.

Change order must conform to the TXCDBG requirements described in Section 5.2.5, including:

1. Sufficient grant or local funds are available to meet any increase cost;
2. The original contract price has not been increased by more than 25%;
3. All items listed on Change order were competitively procured through The original bid or TxCDBG has approved an exception; and
4. All items listed on the Change Order Comply with the TxCDBG contract including the Performance Statement and environmental review requirements.

### **XIII. SELECTION OF APPLICANTS, LICENSED INSPECTORS, WORK WRITE-UP, AND CONTRACTING PROCESS**

- A. Upon applicant eligibility, all housing rehabilitation and reconstruction activities must be in conformance with the Texas Minimum Construction Standards (TMCS) inspection report. inspected by an individual licensed by the Texas Real Estate Commission to perform home inspections prior to finalizing the work write-up. The inspector must licensed inspector must utilize the TMCS inspection report most current Property Inspection Report as promulgated by the Texas Real Estate Commission and all items noted on the inspection report must be corrected and repaired (with the exception of the Colonia home repair program). Septic systems are not optional items under this program and must be disabled inspected by the licensed TREC inspector. Connections to applicable city's wastewater services will be completed. A copy of the inspection report will be provided to the assisted homeowner.
- B. The CHAP or SHC Coordinator will accompany The inspector will on all rehab/reconstruction inspections. utilize the TMCS inspection report. and in conjunction with the inspector, The CHAP Coordinator will determine the specific items to be repaired or replaced to bring the units up to HQS standards and based on the TMCS TREC inspection report. This listing of work items will constitute The inspection report work write-up, will now include the Form 9, "Reconstrucion Feasability Form", color photos with descriptive captions and a concise summary statement of major system deficiencies. The CHAP Coordinator will also provide cost estimates for the repairs needed under the work write up.
- For the Colonia SH Home Repair, the items with the highest safety concerns will be a priority to be corrected.

- C. The first 3 work write ups must be submitted, reviewed and approved by the Department.
- D. Each assisted unit if built before 1978 will be tested for the presence of lead based paint. If present, the removal of lead based paint will be considered in the costs of rehabilitation. Lead paint inspection provides two benefits: (1) the costs of abatement are considerable and must be factored into the cost estimates for rehabilitation and (2) the health risks to residents, particularly children, may be severe so any presence of lead based paint in an assisted unit, even one that is to be reconstructed, must be reported so that the residents may seek appropriate medical attention. If the rehabilitation cost is determined to exceed the budget amount per unit, the Colonia SHC will exercise its right to walk away.
- E. When the work write-up has been completed and cost estimates prepared, the CHAP Coordinator will discuss the scope of work with the applicant. If the estimated cost of the work write-ups does not exceed \$20,000, rehabilitation will be recommended. However, if the estimated cost exceeds the \$20,000 maximum, the applicant's property will not be considered for rehabilitation. The property may be considered for reconstruction if funds are available.
- F. Once the applicant agrees with the scope of work, all parties will sign the final work write-up and cost estimate. If a sub-contractor is to be used, the figures on the final work write up will be utilized in the bidding process. If no sub-contractor is to be used then the awarding non-profit and applicant will sign a construction agreement.
- G. The awarding non-profit will follow procurement procedures for hiring building contractors, if such contractors are needed.
- H. A pre-construction conference between the assisted homeowner, awarding non-profit, sub-contractors (if applicable) and SHC Coordinator will be conducted to insure all parties are in agreement about the work to be completed. The pre-construction conference will consist of two parts: Part 1 deals with basic contract and procedural issues: begin and end dates of the contract, terms of the contract, payment schedule, inspections, requirements, responsibilities, change orders, lead-base paint requirements, complaints and conflict resolution and other programmatic procedures. Part 2 will consist of a walk-through of the house. All parties should understand how the work will proceed. Instructions will be given regarding clean up to be done by the homeowner prior to the work and by the non-profit (or sub contractors) after the work is completed.
- I. For Colonia SH Home Repair – the CHAP Coordinator will procure materials needed and ensure they are delivered to the applicant's home. Applicant shall sign an acknowledgement letter for the material. One

month will be allowed for the repairs to be completed. Additional time may be granted to the applicant based on extenuating circumstances.

#### **XIV. CONTRACTOR QUALIFICATIONS**

In order to be eligible to participate in the construction work financed under this CHAP, contractors must meet the following minimum requirements:

- A. The contractor must not be a debarred, suspended, or ineligible contractor according to U.S. General Services Administration list of Parties Excluded from Federal Procurement and Non-Procurement Programs and the Department. Verification of contractor eligibility will be obtained from the Department prior to awarding any contract. Verification of building contractor eligibility will be obtained from the Department prior to awarding any contracts.
- B. The contractor will carry worker's compensation insurance, automobile liability insurance, and unemployment insurance as required by the State of Texas and the Rehabilitation Coordinator. Additionally, the contractor must carry general liability and property damage insurance for rehabilitation work done within the County in the amount of \$500,000. This insurance must be applicable to construction work done in the County and must be in effect during the contracted period. Evidence of such insurance must be presented prior to the execution of the contract.
- B. The electrical work must be completed by an electrician with an approved license.
- C. A licensed plumber must perform all plumbing work.
- D. A certificate of insurance meeting the requirements as stated in this Section.

#### **XV. WORK INSPECTIONS AND FINAL PAYMENT**

Progress inspections serve three purposes: a) to evaluate the contractor's progress; b) to confirm that applicable housing standards have been satisfactorily met; and c) to confirm that all requirements of the contract have been met to all parties' satisfaction.

##### **A. Progress Inspections**

- 1. A licensed inspector is not required for progress inspections.
- 2. Inspections to approve payment requests will be made upon request by the awarded non-profit or sub-contractor. These

inspections will be made promptly upon request so as not to delay the processing of the payments.

3. The same person will conduct inspections each time.
4. The assisted homeowner and the CHAP Coordinator will sign off on the Housing Rehabilitation Payment Request (Form C05) acknowledging that the work was completed and meets their approval. If the assisted homeowner is not satisfied with any aspect of the work, Form 28 should not be signed until the work is completed. Form 28 must be submitted for a drawdown for housing rehabilitation to be approved.

**B. Final inspections by a licensed inspector.**

1. When work is nearing completion, the awarded non-profit or sub-contractor will notify the CHAP Coordinator of a specific date when the job will be ready for a final inspection to be conducted by licensed inspector.
2. The purpose of the final inspection is to guarantee that all work called for in the contract has been completed according to specification and that the home has been brought up to HQS Texas Minimum Property Construction Standards (with the exception of the Colonia SH Home Repair program which does not require a final inspection).
3. The final inspection will be as thorough and deliberate as the initial inspection. Finished carpentry, painting, backfilling, electrical fixtures, all housing assistance activities, and clean-up should be closely checked for completion.
4. The CHAP Coordinator will make sure that the assisted homeowner has received all warranties and instruction booklets for installed equipment.
5. If the home does not pass final TMCS TREC inspection, a punch list will be developed. A punch list is a listing of items written as specifications, which constitute the work necessary to be completed under the contract. The punch list will represent work yet to be done, not additional work over and above the original or amended contract. Once the punch list has been prepared, no other work items are expected of the contractor. When all the items on the punch list have been corrected, the TREC inspector will make an additional final inspection on the property to clear all items. **Fees for additional inspections resulting from unfinished or**

**incomplete work will be the sole responsibility of the awarded non-profit or sub-contractors (whichever applies).**

6. A copy of the final inspection will be provided to the assisted homeowner.

**C. Certificate of Completion and Owner Acceptance**

1. After the final inspection has cleared, a release of lien form and a request for payment will be obtained from the awarding non-profit and/or sub-contractors and submitted to the SHC Coordinator.
2. For the purpose of accountability, an owner acceptance form must be signed by the assisted homeowner where they accept and verify that the work under the contract was completed.
3. In addition, the CHAP Coordinator must obtain from the homeowner an executed affidavit of completion which must be in accordance to real property.
4. If the applicant's household income exceeds 50% of the current AMI, the applicant will then execute a deferred forgivable promissory note secured by a deed of trust. The deed of trust will be filed in the county's real property records.
5. After receipt of these items, the CHAP Coordinator will order a request for funds, and upon receipt of the funds, disburse the funds to the awarding non-profit and/or sub-contractors. The county must retain 10% of the funds for no less than 30 days. The 10% retainage will be paid after the 30 day period if and only if there are no pending construction concerns from the assisted homeowner.
6. If any problems are identified during this period, the CHAP Coordinator will then notify the awarded non-profit and/or sub-contractors to come back and correct the problem within a reasonable amount of time, not to exceed 2 weeks. Should the awarded non-profit and/or sub-contractor fail to do so, the county will not disburse the retainage. The assisted homeowner may take any necessary legal action and the awarded non-profit and/or sub-contractor debarred from performing any future work in the County. In addition, should the awarded non-profit and/or sub-contractor be doing other work under the CHAP and fails to correct any warranty problems, no other payments will be made to him/her until such problems are corrected.

**D. Warranties and Liens**

1. All work performed by the awarded non-profit and/or sub-contractor will be guaranteed for a period of one (1) year from the move in date. Such warranty will be stipulated in the construction contract between the contractor and the homeowner. For a period of one (1) year, the assisted homeowner may require the contractor to correct defects or problems arising from his or her work under this contract. Should the contractor fail to do so, the assisted homeowner may take any necessary legal recourse as prescribed in the rehabilitation contract. A reasonable amount of time will be given to correct the problem; however, in no case will such time exceed two weeks to respond.

## **XVII. COMPLAINTS AND DISPUTES**

Complaints are either informal or formal. An informal complaint is usually made by the assisted homeowner or contractor to the Rehabilitation Coordinator. The Rehabilitation Coordinator will check out all problems, informal or formal immediately. The Rehabilitation Coordinator will deal with complaints and disputes that are unique to the project and which affect the Colonia SHC Housing Assistance Program as a whole. The Service Provider will handle problems, which cannot be resolved by the Rehabilitation Coordinator. Complaints that cannot be resolved at the local level will be addressed to the Department.

**Formal Procedures to Resolve Complaints.** A formal procedure for dealing with construction-related disputes or complaints will have the following elements:

1. The complaint will be written on a form provided by the Rehabilitation Coordinator.
2. Any and all kinds of disputes or complaints may be handled formally. The person filing the complaint must initiate the formal complaint process upon submission of a complaint in writing on the prescribed form.
3. The Rehabilitation Coordinator will be responsible for handling the complaint. If the Rehabilitation Coordinator is unable to resolve the complaint, the person filing the complaint will have five (5) working days to appeal the Rehabilitation Coordinator's decision to the County. If the County is unable to resolve the complaint, the person filing the complaint will have five (5) working days to appeal the County's decision to the Department. The decision of the Department will be binding upon all parties involved.
4. Every step of the process will be thoroughly documented and maintained in the files.

## **XVIII. FILES AND REPORTS**

The County will maintain accurate Colonia SHC Housing Assistance Program files and records for general administration activities, for each applicant, and for each assisted homeowner for a period of three (3) years as required by the Department. Such files will be open for inspection as to qualifications, bids, and awards.

## **XIX. CHANGES, WAIVERS, AND/OR CONFLICTS**

- A. The County's governing body will have the right to change, modify, or revoke all or any part of these Colonia SHC Housing Assistance Program guidelines by a majority vote of the governing body. However, the Department must be informed of such changes and if the changes are substantial and do not meet the Department's requirement, Department will have the final word on the issue.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the Commissioners' Court of Hidalgo County Texas.

Attest:

\_\_\_\_\_  
Arturo Guajardo, Jr  
Hidalgo County Clerk

\_\_\_\_\_  
Ramón García  
Hidalgo County Judge