



TOWN OF BROOKHAVEN
HOME Down Payment Assistance Program
for First Time Homebuyers

2020

PROGRAM GUIDELINES

All Applicants are required to read the below Guidelines and affix their signature to the **Acknowledgment on the Application** signifying that they have read the Guidelines. Town of Brookhaven 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.

Town of Brookhaven 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 2020 Program Guidelines, herein.

Any party whose application has been reviewed and determined to be eligible must give a copy of the 2020 Program Guidelines to their Attorney(s) immediately. The 2020 Program Guidelines contain important legal information/language which must be written into any contract for purchase of a home through this program. Town of Brookhaven and LIHP are not responsible to any party for the loss of a down payment/closing costs or any other damages which may arise as a result of a party's failure to incorporate the 2020 Program Guidelines terms/language into any contract for purchase of a home through this program.

**PLEASE RETAIN THESE GUIDELINES AS THEY CONTAIN
IMPORTANT PROGRAM INFORMATION.**

**THIS PROGRAM IS OPEN ON A FIRST-COME, FIRST SERVED BASIS
UNTIL FUNDING HAS BEEN EXHAUSTED.**

Last day to Submit An Application is November 30, 2020

**Town of Brookhaven reserves the right to exercise final approval on any
application.**

- I. **Goal:** To help make the “American Dream” of homeownership a reality for first-time homebuyers in Town of Brookhaven.
- II. **Grant Assistance:** Under this program, Town of Brookhaven will provide eligible first-time homebuyers up to \$20,000 towards down payment/closing costs for the purchase of a Town of Brookhaven owner- occupied approved single-family home. The funds are essentially zero-interest deferred loans that are forgiven after ten (10) years. Eligibility and approval by Town of Brookhaven is based upon Federal regulations, which cannot be waived and/or modified. Town of Brookhaven approval is a prerequisite to receiving any grant funds. Only single-family homes which meet Federal Housing Quality Standards will be eligible. Town of Brookhaven and LIHP are not responsible, to any party, for the loss of any deposit/down payment or closing costs 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 Town of Brookhaven.
- III. **Program Eligibility:** In order to be eligible to participate in the Town of Brookhaven 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 Guidelines:**
 The maximum permitted gross annual **household** income for applicants in the Town of Brookhaven 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>
1	\$70,950
2	\$81,050
3	\$91,200
4	\$101,300
5	\$109,450
6	\$117,550
7	\$125,650
8 or more	\$133,750

*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.

- 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.
 - Payments on automobiles and installment loans should reflect no late payments in recent 12 months.
 - Payments on revolving loans or credit cards should not have any late payments in recent 12 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 in the last 2 years.
 - 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 \$3,000 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/closing costs. **The required \$3,000 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.
- d) **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 \$3,000 minimum home buyer contribution.
- e) **Assets:** Applicants will be permitted to have not more than 50% of the HUD uncapped income limit for a family of four (4) in liquid household assets in checking, savings or investment accounts after closing on a home. The current limit is \$50,650. Any amount over \$50,650 will be applied toward the purchase of the home before HOME funds are provided to the home buyer. IRAs, 401ks and other tax sheltered retirement accounts will not be considered in calculating the maximum asset amount.

IV. **Citizenship:** Each person who will be residing in the home must be a U.S. Citizen or a Qualified Resident Alien. For the purposes of this program, a qualified resident alien is an alien who is lawfully admitted to the United States for Permanent Residence under the Immigration and Nationality Act.

V. **Property Value Limit:** The purchase price of the single family home to be purchased may not exceed 95% of the median purchase price for Town of Brookhaven, as established by HUD annually. **The maximum purchase price of a single-family home is \$404,000. 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.

VI. **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 Purchase Certificate Issuance process in section XIV.

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 consecutive paychecks, two (2) most recent consecutive bank statements, most recent retirement/investments statement for all accounts and federal tax return (if applicable) to determine that they still meet the eligibility requirements of the program.

VII. **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.

VIII. **Eligible Housing Types:** Eligible homes are pre-existing or newly constructed **single-family residences** located within Town of Brookhaven, occupied as a principal residence and cannot contain any rental units or second kitchens.

Housing types include:

- Single-Family Units
- Town Houses
- Condominiums
- Co-operative Apartments
- Manufactured homes (Must be placed on real property owned or to be owned by the purchaser)
- 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/closing costs. 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 Town of Brookhaven gives written notice that a home is “eligible” to receive grant funds. Town of Brookhaven 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 Town of Brookhaven deeming a house “eligible” is required in order for an applicant to use grant funds toward down payment assistance/closing costs. Town of Brookhaven is not responsible to any party for the loss of a down payment/closing costs or any other damages which may arise as a result of a person’s failure to adhere to the terms of the 2020 Program Guidelines, herein.

IX. 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.

X. 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 Town of Brookhaven according to Federal requirements.

XI. Homebuyer Selection Area: All homes must be purchased within the villages or hamlets Town of Brookhaven. Please contact LIHP to verify eligible communities.

Homes purchased in a flood zone must have flood insurance.

XII. Mortgage Ability & Mortgage Counseling Requirements: Applicants must have adequate financial 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 two (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 with 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/closing costs be necessary and reasonable. To meet this requirement, LIHP will conduct a mortgage ability analysis to establish the appropriate amount of down payment assistance/closing costs. 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/closing costs 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 are subject to underwriting as part of the review process. Ratios must fit within the programs parameters shown below for Housing Debt to Income and Total Debt to Income.

Ratios	Parameters
Front End Ratio: DTI (Housing Debt to Income)	38%
Back End Ratio: TDTI (Total Debt to Income)	45%

Any loan application that results in a back-end (debt-to-income) loan ratio greater than 45% will not be allowed.

XIII. Restrictions: Responsible lending is the practice of ensuring that a homebuyer's mortgage is sustainable over the long term and does not contain risky loan features that could threaten the homeowner's ability to meet the obligations of the mortgage.

LIHP has established the following criteria for the homebuyer's mortgage:

- a. The mortgage shall be from an institutional investor, i.e. a state or national bank, state or federal savings and loan association or credit union, cooperative bank, Mortgage Company, trust company, insurance company or other governmental lender.
- b. Term of loan for various property types:
 1. Fixed rate loan with a term not to exceed 30 years.
 2. No adjustable rate mortgages.
- c. A first mortgage rate of no more than 2 percentage points above the current SONYMA interest rate for the Achieving the Dream Program.
- d. Back-end debt/ income ratio of no more than 45%.
- e. No pre-payment penalty is allowed.
- f. Balloon mortgages are not permitted.
- g. "Sub-prime" loans will not be approved.
- h. Private mortgages are not permitted.

- i. “No Doc” Loans, 100% financing, and 80/20 loans are not permitted.
- j. 203K loans are not permitted
- k. Non-occupying Co-Borrowers are not permitted.
- l. Negative amortization or interest only mortgages are not permitted.

XIV. Application Intake and Purchase Certificate Issuance: Purchaser Certificates will be issued to eligible applicants in the order in which the applications are received on a first come first served basis. The deadline for submitting an application will be when LIHP has qualified 75 applicants as eligible or November 30, 2020 which ever comes first. Participation in the program after the above criteria has been reached will be at the sole discretion of Brookhaven Town and based on the availability of federal grant funds.

Eligible applicants will be required to attend pre - purchase mortgage counseling through LIHP. Upon Successful completion of mortgage counseling the applicant will be issued a Mortgage Counseling Certificate and within two weeks receive the Purchase Certificate from the Program Manager. Only applicants who receive counseling from LIHP will be eligible for a Purchase Certificate. Applicants must contact LIHP to schedule the pre-purchase mortgage counseling session.

Eligible applicants who are issued Purchaser Certificates will have until March 31, 2021 to submit a **fully executed Purchase Contract of Sale** to Long Island Housing Partnership. Failure to return a fully executed Contract of Sale by March 31, 2021 or if the funding limit for the program year has been reached shall result in the automatic nullification of the Purchaser Certificate. All applicants must close on a home by July 30, 2021. To meet this deadline the mortgage commitment and supporting documents must be received by LIHP by June 30, 2021. If the purchase is for a **new home that is under construction**, the applicant will have until October 29, 2021 to close on the subject property. For new construction the deadline for the mortgage commitment and supporting documents will be September 30, 2021.

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.

Town of Brookhaven recommends that your attorney or representative include a clause in your contract that nullifies it in the event that you are found to be ineligible for the Down Payment Assistance Program. No extensions are to the above deadlines are available.

XVI. 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 Town of Brookhaven 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. **THIS INSPECTION DOES NOT TAKE THE PLACE OF A HOME INSPECTION ORDERED BY THE PURCHASER.**

Town of Brookhaven 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.

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

XVII. 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 Town of Brookhaven 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.

XVIII. 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 Town of Brookhaven, New York. No funds will be issued if a closing occurs prior to full and complete satisfaction of all of the 2020 Town of Brookhaven Down Payment Assistance Program Guidelines, herein. **Town of Brookhaven and LIHP are not responsible for any funds lost as a result of enforcement of the 2020 Program Guidelines.**

XIX. Annual Re-certification: For ten (10) years after purchasing the home, a monitoring affidavit is 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 property or home.
- The property or home is being occupied as their primary residence.
- The property or home is insured and maintained in compliance with the terms of the Note(s) and Mortgage(s)
- No interest in property or home has been sold, rented or transferred
- They must sign the affidavit, have it notarized and return it to LIHP.

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

There is a required ten (10) year affordability period for the program, after which the Note & Mortgage will be forgiven, and no repayment is required. **Upon completion of the ten (10) year affordability period the homeowner will be issued a "Satisfaction of Mortgage" from the Town of Brookhaven. Please note that the homeowner will be responsible for all fees associated with filing the Satisfaction of Mortgage at the Suffolk County Clerk's Office.**

- XX.** **Obtaining the Grant Assistance:** As a condition to obtaining assistance, applicants are required to submit to Town of Brookhaven / LIHP the following documents as soon as they are available:
- a. Mortgage Counseling Certificate
 - b. Fully executed Pre-Contract Agreement. This agreement will be provided to all eligible applicants at the time a Purchaser Certificate is issued.
 - c. Fully executed Contract of Sale (copy).
 - d. Visual Inspection Report from an EPA Certified Lead Based Paint Inspector. This report must be completed by an EPA Certified Lead Based Paint Inspector or submit proof that the house was built after 1978.
 - e. **Certificate of Occupancy (It is a document certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.)**
 - f. Mortgage Application (copy): also known as a 1003 form.
 - g. Appraisal of the Subject Property (copy).
 - h. Mortgage Commitment (copy).
 - i. Fully executed and notarized Down Payment Assistance Agreement.

In order to receive the assistance, eligible applicants will be required to sign a Town of Brookhaven Payment Voucher and a Note & Mortgage to secure the terms of the grant. Please note those applicants purchasing a co-op will be required to sign a Note & Security Agreement and the Town of Brookhaven will file a UCC-1 statement in order to secure the grant assistance. Before submission, please make sure your application and all accompanying documentation is complete and accurate. Once received by LIHP any changes to your application could place your application at risk of being moved to the end of the application list.

- XXI.** **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 Town of Brookhaven. **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.**

Town of Brookhaven will notify the applicant's attorney when funds are available to close. Prior to closing, the recipient will be required to sign a Certification of Family Income, a HOME Downpayment Assistance Agreement and a Rental Prohibition Agreement.

At closing, the Town of Brookhaven will provide the Note and 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 Town of Brookhaven or LIHP and the **applicant will be responsible** for any and all fees associated with preparing and filing the satisfaction at the Suffolk County Clerk's Office.

Once all legal matters are satisfied a closing will be scheduled by Town of Brookhaven

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

XXII. Complete Application Requirement: A non-refundable application fee of \$75.00 made payable to the Long Island Housing Partnership, Inc., is required 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 Town of Brookhaven. Completed applications received shall be evaluated and certified on a first come, first served basis based on the availability of funds.

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

- **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.
- **For those applicants submitting an application by mail or in person:** Please send the completed application with required documents accompanied by a check or money order made payable to Long Island Housing Partnership Inc. for the \$75.00 application fee (do not send cash) to:

**Long Island Housing Partnership
180 Oser Avenue, Suite 800
Hauppauge, New York 11788**

Attention: Town of Brookhaven Down Payment Assistance Program

**Online and hand-delivered applications must be received by 5:00 p.m. on November 30, 2020.
Applications submitted by mail must be postmarked by November 30, 2020.**

DO NOT FAX OR EMAIL DOCUMENTS. DO NOT SEND PICTURES OF DOCUMENTS

You may send documents to us via a secure document transmittal form located on our website at www.lihp.org under the “About Us” tab or directly at <https://www.lihp.org/doctransmit.html>

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.

Fair Housing Laws will be followed. The LIHP staff is available to assist with the application, and answer questions about eligibility requirements. We also provide free mortgage counseling. If you have any questions regarding any of the guidelines or need language assistance including translation and/or oral interpretation services, please call the Long Island Housing Partnership at (631) 435-4710 before applying.

Disclaimer: It is understood that this is not an offer and that terms and conditions may be changed at any time by the Long Island Housing Partnership, Inc., and Affiliates. It is further understood that notices by the Long Island Housing Partnership, Inc., and Affiliates may be made in such manner as Long Island Housing Partnership, Inc., and Affiliates may determine, including solely by advertisement. It is also understood that application submittal is not a guarantee that you meet all program requirements to purchase a home.

PLEASE RETAIN THESE GUIDELINES AS THEY CONTAIN IMPORTANT PROGRAM INFORMATION.

Application Deadlines

- 1. November 30, 2020:** Last day to submit applications to LIHP. If the 75 program eligible applicants are reached before this date, LIHP will stop accepting program applications.
- 2. March 31, 2021:** 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. June 30, 2021:** Last day to obtain a mortgage commitment and submit all required documents to LIHP.
- 4. July 30, 2021:** Last day to close on an eligible property.
- 5. October 29, 2021:** Last day to close on a newly constructed home only.

All INQUIRIES TO:

LONG ISLAND HOUSING PARTNERSHIP, INC.
As agent for Town of Brookhaven
180 Oser Avenue, Suite 800, Hauppauge, NY 11788
(631) 435-4710