



SAN DIEGO
HOUSING
COMMISSION

City of San Diego Affordable For-Sale Housing Program Guidelines

San Diego Housing Commission
1122 Broadway, Suite 300
San Diego, CA 92101
www.sdhc.org





**CITY OF SAN DIEGO
AFFORDABLE FOR-SALE HOUSING PROGRAM GUIDELINES**

PROGRAM OVERVIEW:

The San Diego Housing Commission (SDHC) Affordable For-Sale Housing Program is a homeownership program designed to assist low- and moderate-income households purchase a home at an affordable price. The price the buyer pays for the home is below the fair market value of the property. The difference between the fair market value of the property at time of purchase and the actual price paid by the buyer is structured as a secondary loan documented in a Promissory Note executed by the homeowner and payable to SDHC at the end of the affordability period. During the affordability period of 45 or 55 years, the home can only be sold to an eligible buyer at a price that is affordable as determined by SDHC; this price will be less than the fair market value of the home.

There are homes in six developments with long-term affordability requirements that are currently owned by families and individuals. When the current owner sells the property, it must be sold to an eligible buyer as determined/approved by SDHC. **An extremely limited number of homes become available for resale each year. Properties available for sale are generally listed on Multiple Listing Service (MLS), Redfin & Zillow. Interested buyers should ask their real estate agent to check the MLS for available units.**

To learn more about the Affordable For-Sale Housing Program properties, visit SDHC's website at www.sdhc.org (select "Housing Opportunities" from the menu at the top, then "Affordable For-Sale Housing").

ELIGIBLE BUYER(S):

Income Limit:

The household's gross annual income must be below the income restriction for the property, which varies by property. Income limits range from 60 to 120 percent of Area Median Income. The income limit is based on the San Diego County Area Median Income (AMI), as adjusted for household size. Gross income will be calculated based on the program guidelines stated below. To establish program eligibility, income of all household members 18 years old and older will be taken into account.

Household Size:

The bedroom size (number of bedrooms) in a home for which applicants qualify is dependent on the number of members in the household. Applicants must meet the following occupancy standards:

- 1 bedroom unit: 1 – 2 people
- 2 bedroom unit: 2 – 4 people
- 3 bedroom unit: 4+ people

For the purpose of determining household size, any person claimed as a household member must have lived with the borrower for a minimum of one year prior to the purchase and must provide evidence they will live in the subject property. In addition, any non-borrowing person listed as having no income on the application, must be a dependent on the applicant's tax return for the previous year to be considered a household member.

Family members who are applying for a unit must have been living with one another exclusively for a period of 12 months prior to the application date. For example, siblings who have been living together with a parent since childhood would not be eligible.

Co-borrowers or co-signers who will not occupy the property as their primary residence are not permitted. A non-borrowing spouse is considered a co-borrower even if they will not be on the loan for the first mortgage. Student dependents who live in another city / county at or near their college will not be counted as a household member.

The borrower(s) is required to provide all pertinent documentation requested by SDHC.

First-Time Homebuyer: Applicants and all household members over the age of 18 must be first-time homebuyers. “First-time homebuyer” means a person who has not owned a home during the three-year period prior to purchase of a property under the Affordable For-Sale Housing Program.

Current County of San Diego Resident(s): Applicants must be currently LIVING *and* WORKING in the County of San Diego for a minimum of two years. Supporting documentation will be required.

No Prior Participation in First-Time Homebuyer or Affordable For-Sale Housing Programs: Applicants may only participate once in the homeownership programs (First-Time Homebuyer or Affordable For-Sale Housing) currently or previously administered by SDHC.

Students: Applicants or co-applicants who are enrolled in an educational institution as full-time students pursuing post-graduate degrees are not eligible for this program.

INCOME QUALIFICATION FOR PROGRAM ELIGIBILITY:

The combined gross annual income of all members of the household age 18 and older who are currently living together and have lived together for 12 months or more and will be living in the property must be included in the determination of income. The household’s income must be projected as an annual income. All households must be income-qualified no more than 60 days prior to the closing date. For the purpose of determining income eligibility, all income is included even if there is less than a two-year work history. The income from employment or any other source ended within 6 months of the application date will be counted for eligibility purposes if it was not replaced by new verifiable employment.

INCOME QUALIFICATION FOR UNDERWRITING/DEBT-TO-INCOME CALCULATIONS:

Program guidelines require the combined income of all persons on title, including a non-borrowing spouse (if applicable), to be included in the calculation of income. The household’s actual / average income will be calculated for underwriting purposes.

Applicants, co-applicants and non-borrowing spouses must have a minimum of a two-year recent and continuous work history.

SDHC, at its sole discretion, reserves the right to request any supporting documentation necessary to calculate the household income and may use alternative methods for calculating income based on information and documentation available. See the First-Time Homebuyer Program Guidelines for detailed description of income calculation.



DEBT-TO-INCOME RATIO:

The borrower's proposed monthly housing debt including principal, interest, property taxes, property insurance, and if applicable, mortgage insurance and homeowner's association dues, *plus* all other household monthly debt (including credit cards, automobile payments, etc.) reflected on the credit report, cannot exceed 45 percent of the borrower's gross monthly income.

The income of a non-borrowing spouse is included when calculating the debt-to-income ratios if s/he has a work history of two or more years.

COOLING-OFF PERIOD FOR DECLINED APPLICATIONS:

If an application is declined for exceeding the income or assets limit, there will be a 12-month cooling-off period before a new application will be accepted.

One exception to this "cooling off" period is when HUD increases the program income limit. If the new income limit is higher than the declined borrower's income, the borrower can apply again without having to wait 12 months.

The household members and income sources must be the same at the time of re-application. A change in employers may be acceptable; however a loss or reduction of income and/or assets (e.g., less overtime, commission, bonus etc.) or hours worked, or change in employment status (e.g., full-time to part-time) that would otherwise have put the household over the income or asset limit will not be accepted. SDHC, at its sole discretion, reserves the right to refer to the original application to confirm consistency.

DOWN PAYMENT REQUIREMENTS:

- Minimum required down payment is 3 percent of the purchase price.
 - The borrower's down payment must be from their personal funds or a gift from an immediate family member. Immediate family members include the following people: father, mother, brother, sister, grandparent, uncle, aunt or child. The 3 percent requirement cannot be substituted by any seller/lender contributions, subsidies, using 100% VA financing, subordinate financing, grants, etc.
- Maximum down payment: 20 percent of the purchase price.
 - An exception to the maximum down payment guideline may be made for buyers whose *sole source of income* is derived from Social Security, Social Security Disability or Veterans Disability, in which case a down payment sufficient to bring their housing debt-to-income ratio to no less than 30 percent may be accepted.
 - As the program is designed for low-income buyers with limited assets but sufficient income to support a first mortgage payment, large down payments from family members with significant assets to assist the buyers qualify for the mortgage loan will not be considered.
- All-cash transactions are not permitted. An exception may be made for buyers whose *sole source of income* is derived from Social Security, Social Security Disability or Veterans Disability, and the proposed payment for property taxes, Homeowners Association (HOA) dues and homeowners insurance is equal to or greater than 30 percent of their income. The buyer must meet all eligibility requirements, have acceptable credit and have sufficient income to support the HOA, property tax and monthly debt obligations.



ASSET LIMITATION:

At the time eligibility is determined, the liquid assets of all household members, including children, must not exceed an amount equal to the maximum income limit for the particular affordable unit, as adjusted for family size.

- The term “liquid assets” refers to cash and assets, which are readily convertible to cash within a reasonable period, including but not limited to savings and checking accounts, certificates of deposit of any term, marketable securities, money market and similar accounts, mutual fund shares, annuities, gifts and insurance policy cash values.
- The term “liquid assets” shall not include retirement account funds if those accounts are not accessible to the buyer.
- An exception may be made for buyers whose *sole source of income* is derived from Social Security, Social Security Disability or Veterans Disability and a down payment of more than 20 percent is required to bring their housing debt-to-income ratio to no less than 30 percent. In this case, the borrower’s assets must not exceed an amount equal to the maximum income limit for the particular affordable unit, as adjusted for family size after the maximum allowable down payment contribution.
- The minimum household reserve requirement is \$1,000. The reserves must be from liquid assets.

CREDIT GUIDELINES:

- Minimum credit score: 640
- All borrowers, including non-borrowing spouse, must have an acceptable credit history with no more than two 30-day lates or one 60-day late and zero 90-day or greater lates including collections in the previous three years.
- No foreclosure or bankruptcy (Chapter 7 or 13) within the last 7 years.
- No outstanding state or federal tax liability.
- A letter of explanation is required for all derogatory reporting dated within two years of the close of escrow.
- All collections, charge offs and judgments must be paid or settled with the creditor through escrow or prior to the close of escrow. Back-up documentation showing the account has been paid is required if paid outside of escrow.
- A credit report for a non-borrowing spouse is required. All debt of the non-borrowing spouse will be used in the debt-to-income ratio calculations.
- Removal of derogatory / late reporting’s from credit report will not be accepted.
- SDHC, at its sole discretion, reserves the right to decline for unacceptable credit history.

FIRST TRUST DEED LOAN:

The loan must be a 30-year, fixed interest rate loan. Conventional, FHA and VA financing are acceptable. First trust deed lenders are required to collect and manage an impound account for payment of taxes, assessments and property insurance for the term of the first mortgage.

SUBORDINATE FINANCING:

Subordinate financing is allowed provided the loan is deferred with no payments required for 30 years. Subordinate financing documents must record in junior position after all SDHC loans/grants.



HOMEBUYER EDUCATION:

All applicants, co-applicants and non-borrowing spouses, whether on title or not, are required to complete Homebuyer Education AND Pre-Purchase Counseling from an SDHC-approved Homebuyer Education Provider. Visit www.sdhc.org for the Homebuyer Education Provider List.

OCCUPANCY REQUIREMENTS:

For so long as the borrower(s) owns the affordable unit, the borrower(s) must continuously occupy the Property as their sole place of residence, and they can own only the affordable property and no other property. After purchase of the affordable unit, if the borrower decides to buy, or owns another residential dwelling (regardless of the purpose or use), the borrower must contact SDHC immediately to initiate sale of the affordable property. The borrower is not permitted to own ANY other residential dwelling anywhere while owning the affordable unit. The borrower(s) shall also not rent or lease all or any part of the restricted unit at any time. Borrower(s) must comply with annual occupancy certifications.

Any violation of the above constitutes a default of the terms and restrictions of the affordable unit, and SDHC has the right to initiate default proceedings, including without limitation, foreclosure.

AFFORDABLE RESALE RESTRICTIONS:

On the date of the first sale of each Affordable For-Sale Housing Program unit, SDHC records resale restrictions on each property. Depending on the development in which the unit is located, the resale restrictions include income restrictions, sales price restrictions, occupancy restrictions, and length of restriction (restrictions remain in effect for 45 or 55 years). The resale restrictions include the following documents:

- Affordable Housing Resale Restrictions, Option to Designate Eligible Purchasers and Option to Purchase Upon Default
- Affordable Deed of Trust
- Affordable Promissory Note

PROPERTY CONDITION:

Upon opening escrow, the eligible buyer will be required to have a full home inspection, and a Housing Quality Standards (HQS), done on the Affordable For-Sale Housing Program unit. The inspections must be completed by a qualified inspector approved by SDHC. All approved inspectors on the list provided by SDHC are qualified to do the full property inspection and HQS inspection.

Any work that needs to be completed is the seller's responsibility and is non-negotiable. The property is to be left in a "move-in" ready condition. All required repairs are to be made prior to the close of escrow.

Once the inspection is completed, a copy of the report will be sent from the buyer, or their agent, to SDHC. SDHC will review the report, and the seller, buyer and their agents will be notified of any repairs that need to be completed by the seller prior to escrow. Due to the nature of some required repairs, SDHC may require some items to be completed by a licensed contractor.

REAL ESTATE AGENT REPRESENTATION:

The seller and buyer must be represented by a real estate agent. The sales contract, disclosures and division of real estate costs, i.e., agent's commission, title and escrow, etc., is negotiated between the seller and buyer, and SDHC is not involved. SDHC may recommend real estate agents who have contracted with SDHC to represent either the seller or buyer for a reduced, flat commission. In addition, for sale by owner and dual

representation are not allowed in any Affordable For-Sale Housing Program transaction, except in the case of the initial sale from developer to the first purchaser.

SDHC'S ROLE:

SDHC is the Affordable For-Sale Housing Program administrator and secondary lender. As the program administrator, SDHC is responsible for oversight and compliance of the affordable resale restrictions. SDHC's responsibilities include but are not limited to:

- Calculating the sales price for affordable for-sale units at the time of the first sale and for each subsequent sale
- Ensuring that upon resale, the property is in a "move-in" ready condition
- Verifying eligibility of buyers that participate in the program
- Annual occupancy monitoring

SDHC is a lien holder on each unit and does not have an ownership interest in the properties.

REFINANCE:

The Affordable Deed of Trust and Promissory Note may be subordinated to the refinancing of the existing first trust deed loan to lower the interest rate or reduce the loan term. Refinancing for cash out may only be approved if the funds will be used to complete capital improvement upgrades on the affordable unit. All refinances are subject to prior written approval by SDHC in accordance with the Affordable For-Sale Housing Program Refinance Guidelines.

These guidelines are provided as a basis for the determination of program eligibility and underwriting of Affordable For-Sale Housing Program loans. Additionally, certain sections of the First-Time Homebuyer Program guidelines may apply. SDHC reserves the right to request any supporting documentation or information as needed. SDHC at its sole and reasonable discretion may make exceptions to any guideline which is not driven by the SDHC Policy 600.101.

Please be aware that reporting fraudulent, untrue and/or incomplete documentation is a serious program violation. This could lead to the termination of your participation in the Affordable For-Sale Housing Program. Title 18, Section 1001 of the United States Code, states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department or agency of the United States. It is very important to provide complete and accurate information as requested by SDHC.



The San Diego Housing Commission (SDHC) is committed to affirmatively furthering fair housing by promoting fair and equal housing opportunities for individuals living in the City of San Diego. This commitment extends to all housing programs managed or owned by SDHC and to all grant-funded programs provided by SDHC. It is the policy of SDHC to provide services without regard to race, color, religion, national origin, ancestry, age, gender, familiar status or physical/mental disability. For more on our commitment to affirmatively furthering fair housing, visit our website at www.sdhc.org.



Applicant Eligibility	Standards
Co-Signers	Co-signers who will not occupy the property are prohibited.
Documentation	<ul style="list-style-type: none"> • If married: spouse must sign SDHC forms, disclosures and promissory note, regardless of vesting. • If divorced: copy of final divorce decree and judgment from the court. • Death certificate for deceased spouse. • Non-U.S. Citizen: copy of permanent alien registration card (green card). All borrowers must be a U.S. Citizen or Permanent Resident. • Copy of driver's license or other photo ID
Income (Required for ALL households members over age 18)	Standards
Alimony and Child Support	Copy of divorce decree and/or child support agreement, with twelve months proof of payment. To be used for eligibility and underwriting. Support must continue for 36 months or more.
Disability Income	Copy of most recent award letter
Social Security Income	Copy of most recent award letter
Pension Income	Copy of most recent award letter or 1099-R
Tax Returns & W-2s	Three years Federal signed tax returns including all filed schedules. Two years W-2s for all employers.
Salaried / Wage Earners	Most recent pay stubs covering a minimum of two month's income. Pay stubs to reflect year-to-date earnings and deductions. If there are multiple employers, all pay stubs showing year-to-date earnings.
Part-Time Employment	Most recent pay stubs covering a minimum of two months income. Pay stubs to reflect year-to-date earnings and deductions.
Bonus, Commissions, Overtime, and Double-Time Income	Must be documented on pay stub. Will be used if there is a two-year history and likelihood of continuation.
Self-Employed	Three years Federal signed tax returns including all filed schedules and a year-to-date signed profit and loss statement. Three years signed business tax returns if applicable. 12 months of bank statements. Must have a documented minimum two-year history of self-employed income.
Commission Only	Two years of tax returns with Schedule C and a year-to-date signed and dated profit and loss



	statement <u>or</u> most current pay stubs covering a minimum of one month. Must have a minimum two-year history of commission income.
Assets (Required for ALL households members over age 18)	Standards
Checking and Savings Accounts	Three months most recent bank statements for ALL accounts.
Stocks and Bonds	Must be verified by brokerage firm or similar company and statement of account.
401K or Retirement Accounts	Copy of account statement and letter from employer verifying that borrower does <u>not</u> have access to the funds, if applicable.
Liabilities	Standards
Alimony/Child Support	Included as debt if more than six months remaining. Copy of divorce decree.
Installment Loans	Included as debt if more than six months remaining.
Revolving Accounts	Payment stated on credit report or application is used, whichever is higher. If payment is not stated, the higher of \$10 or 5 percent of the outstanding balance owed is used.
Student Loan	Payment stated on credit report is used. For student loans in deferment, 1% of loans will be used unless borrower provides documentation to prove they are on an income based repayment plan with a lower payment in which case the income based repayment plan payment will be used.
Credit History	Standards
Credit Reports	Must be a "three repository merged" credit report. Any items not belonging to borrower must be removed from the report. Credit report must be dated within 90 days of SDHC approval.
Collections	All unpaid collections must be paid. Need letter of explanation from borrower.
Derogatory Credit	Letter of explanation is required for all derogatory credit. No accounts can be past due at the time of loan application.
Bankruptcy	No bankruptcy (Chapter 7 or 13) within the last 7 years.
Short Sales / Foreclosures	No short sale or foreclosure within the last 7 years.
Judgments, Garnishments and Involuntary Liens	No outstanding judgments, garnishments or involuntary liens are allowed.



Inquiries	Any inquiries within the last 90 days must be explained.
No or Limited Credit History	Alternative credit history is required. Utility payment records (at least 12 months most recent statements), rental payments (past 12 months) or other personal loans (past 12 months). Need three forms of credit history, at least one must be a rental history.