



APPLY NOW

EMERGENCY PANDEMIC ASSISTANCE



CITY OF HIGHLAND

Mortgage Assistance Program

FOR MORE INFORMATION AND PRE-SCREENING CALL:
909-864-6861 EXT 203 OR 230



CITY OF HIGHLAND

MORTGAGE ASSISTANCE PROGRAM
GUIDELINES, POLICIES AND PROCEDURES FOR GRANTS
(EMERGENCY MORTGAGE ASSISTANCE PROGRAM)

Dated October 1, 2021

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I. PROGRAM OVERVIEW.

A. Purpose.

(1) The City of Highland (“City”) is a participating jurisdiction in, and has been awarded certain funds from the United States Department of Housing and Urban Development (HUD) under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383, 42 U.S.C. Section 5301, *et seq.*, and the implementing regulations in 24 Code Federal Regulations 570 (CFR). Online information about CDBG is found at: <http://www.hud.gov/offices/cpd/communitydevelopment/programs/entitlement/index.cfm>

(2) The County of San Bernardino (“County”) in cooperation with HUD has made available to City funds in the amount of Two Hundred Eighty Seven Thousand Eight Hundred Fifty Four Dollars (\$287,854.00) (the “County Funding Amount”) for the purpose of establishing and implementing a program to provide direct assistance relative to emergency mortgage loans where delinquencies have occurred and are ongoing due to the impact of the COVID-19 pandemic (the “Pandemic”) and to provide certain funding to defray certain administrative costs. The availability of the County Funding Amount is part of the implementation of the Delegate Agency Agreement between the County and the City dated as of July 1, 2015 (the “Delegate Agency Agreement”). City has made available additional funding from moneys from the American Rescue Plan Act/Coronavirus State and Local Fund Recovery Funds in an amount of up to One Million Dollars (\$1,000,000.00) (the “Maximum City Additional Amount”) for the purposes of implementing such a program. The County Funding Amount and the Maximum City Additional Amount collectively constitute the “Available Funding Amount.”

(3) The City Council established the Emergency Mortgage Assistance Program (“EMAP” or “Program”) to comply with the federal regulatory requirements of 24 CFR 570.202(c); and to implement the Delegate Agency Agreement by providing a mechanism for the expeditious but orderly disposition of moneys including the County Funding Amount and up to the Available Funding Amount in seeking to alleviate certain impacts on homeowners of limited income of the Pandemic related to delinquencies on loans made by institutional lenders; the application of such funds to avert foreclosures and reduce delinquencies adds to the stability of neighborhoods and will reduce certain impacts of the Pandemic related to homeownership.

(4) These Mortgage Assistance Program Guidelines, Policies and Procedures for Grants (Emergency Mortgage Assistance Program (“Guidelines”). Any recipient of a grant under the Program is referred to herein as a “Participant.” The City, acting through its staff, shall act as the initial program manager (“Program Manager”); provided that the City may from time to time designate a different program manager. The chief administrative officer on behalf of the City for purposes of this Program shall be the Community Development Director (the “Director”). Unless the context otherwise requires, references to Director shall be deemed to refer to the Director and such persons as the Director may designate in writing from time to time to act on his or her behalf.

B. Program Eligibility of Property Owner; Applicants for a City Grant.

(1) Owners of single-family homes, including condominiums, townhomes, mobilehomes, and detached houses (each an “Owner”) are eligible to apply to participate in the Program and seek a City Grant.

(2) Participation in the Program is limited to property owners of a primary (and sole) residence which is located within the City and whose gross household income does not exceed eighty percent (80%) (Low Income) of the area median income (AMI) adjusted for family size as published

annually by HUD; in addition, in order to qualify for a City Grant, the prospective Participant shall have been delinquent on mortgage loan or similar housing loan payments for a Lender as of June 1, 2021 (the “Tier 1 Date”), with delinquency continuing or recurring as of August 1, 2021. If moneys remain after priority consideration is given to applicants which were delinquent as of the Tier 1 Date, the Director will consider other applicants, but not applicants with respect to which a mortgage delinquency first occurred after October 1, 2021 unless the Director determines in his or her discretion that such delinquency was caused or materially contributed to by the Pandemic.

(a) All persons on title to the Property, all persons residing on the Property, and all persons within the household must be included in the income verification or prove to the satisfaction of the Program Manager that they do not reside in the property and do not contribute to housing costs associated with the Property.

(3) An eligible Owner must occupy the Property as its sole residence, must be of legal age, and must have the capacity to competently enter into binding contractual agreements.

(4) The Owner, all persons on title, of the Property shall complete and sign the Program Application. The Program Manager may obtain evidence of title verifying that ownership of the relevant Property lies in the Owner as identified in any Program Application.

(5) Trusts. Property that is part of a trust and included in a trust for estate planning purposes may be eligible for Program participation so long as all beneficiaries of the trust (other than contingent beneficiaries who receive no benefit from the trust nor have control over trust assets) income-qualify and occupy the Property as the primary residence and the City’s policy regarding property held in trust is satisfied after review and approval by the Program Manager and counsel. Criteria for review of Property held in a trust include:

(a) submittal of a true copy of the fully executed trust agreement, including all amendments thereto (note: an Application will not be further reviewed or processed until copy received); and

(b) staff and counsel will review trust agreement to verify and determine the following:

(i) Property is expressly referenced to be a part of the trust property, i.e., held/owned by the trust and vesting matches the lot/book report description;

(ii) Program applicant is the trustee with power to act, and if the trustees are husband and wife, just as with property held in joint tenancy or as community property, both husband and wife, as trustees, must be signatories;

(iii) the trustee(s) must have the express power in the trust agreement to buy, sell, encumber, borrow against, and enter into contracts relating to the Property;

(iv) review the signature block and certification of trust, and prepare a correct signature block for all subsequent Program documents;

(v) the Trust provides for ownership of real property and authorizes execution of promissory notes and deeds of trust secured by the Property; and

(vi) evaluate the income eligibility of the Program applicant based on upon the income of the individual(s) and the trust.

(6) Payments may only be made on “Mortgage Loans” made by an “Institutional Lender” in the regular course of business. Mortgage Loans means purchase money or refinancing loans (commonly referred to as home loans) secured by a deed of trust as to the Property which is a first deed of trust or a second deed of trust or, in the case of mobilehomes, loans on a coach or space rent. “Institutional Lender” means a bank, savings and loan association, pension fund, credit union, or governmental agency which makes home loans in its regular course of business. Any other lender, unless approved by the Program Administrator at its sole discretion, shall not be deemed to constitute an Institutional Lender. Loans secured by a lien below second deed of trust (or a similar monetary lien in a second position) will not be allowed.

(7) Payments will be made directly to the relevant Institutional Lender. No moneys shall be used for property improvements or for any purpose other than the making of payments to Institutional Lenders where a first or second deed of trust loan secured by the relevant Property is delinquent. No moneys shall be disbursed to any Owner.

(8) No member of the City Council of the City of Highland and no other employee, official or agent of the City (or its Housing Authority or other associated entity) who exercises any policy-decision making function in connection with the Program can apply to the Program and shall not, directly or indirectly, be eligible for Program assistance.

(9) City Grants: the provision of City grants shall be limited to the lesser of (i) the amount necessary to cure an outstanding delinquency under a Mortgage Loan or (ii) Ten Thousand Dollars (\$10,000.00).

(10) Limitation Upon Frequency; Prohibition on Use of Other Funds: Any Participant under these Guidelines may not receive an additional grant under these Guidelines for a period of one (1) year commencing as of the time the original grant was made; any Participant that has received a grant shall have a lower priority than other, future applicants. In addition, a condition of qualification under the Program is that the applicant may not apply for or use any County or federal funds (other than those made available by the City under the Program) with respect to the elimination or alleviation of a mortgage delinquency.

(11) Basic applicant information: each applicant shall submit to the Director: (i) a copy of the two most recent mortgage statements; (ii) any notice of default or notice of sale with respect to the Property; (iii) a statement indicating the status of property tax and assessment payments (specifically indicating whether any such taxes remain due and payable for any date preceding May 1, 2020); (iv) a statement indicating whether there are any liens for payment of federal or state taxes; (v) a copy of a valid photo ID for all property owners on title; (vi) pay stubs for the two pay periods most closely preceding the date the application is submitted; (vii) all current checking, savings, and investment accounts for two months (including but not limited to stocks, IRAs, pension accounts, mutual funds); and (x) such other information as the Director may request at his or her discretion.

(12) The Applicant is required to demonstrate to the Director that the assistance requested under this Program by such Applicant will eliminate or substantially alleviate all mortgage delinquencies with respect to the relevant Property.

C. Program Administrator.

The Mortgage Assistance Program will be administered by the City. The City reserves the right to employ a third party to administer all or part of the Program at any time.

D. City Program Manager.

The Program will be supervised and implemented by the Community Development Director (Director) and his authorized designees (together, the Program Manager).

(1) The Program implementing documents for the grants issued by the City will include an application by the Participant and a Statement substantially in the form of Exhibit B hereto.)

(2) Additional documents: if in the judgment of the Director additional documents are necessary or appropriate for the implementation of the Program, such additional documents may be required by City from time to time.

(3) From time to time, the City, whether acting by its governing board or by writings prepared by the Director, may modify aspects of the Program consistent with the overall intent and parameters of the Program; such modifications may consist of such matters as: (i) requiring additional documentation by applicants; (ii) requiring a demonstration that the infusion of funding under this Program will result in loans as to the affected Property not being in default; (iii) effecting different priorities and sub-classifications as to funding; and (iv) such other matters as may be determined by the Director to be germane.

E. Program Appropriation; Funds for Improvements.

CDBG funds have been budgeted or will be budgeted through the County's Consolidated Plan and Action Plan updates and amendments and the City's Bi-Annual Budget. Program funds are not guaranteed and subject to availability. There is no expectation that funding for the Program will be provided by the City or otherwise excepting only for the original Available Funding Amount.

F. Decision on Participation in the Program.

(1) The Program Manager reserves sole, reasonable discretion to, and may deny or defer action on an application for a City Grant if the Applicant does not meet all criteria of the Program. Further, the Program Manager will consult and cooperate in review of Program Applications, whether resulting in approval or disapproval of each Application.

(2) The City may deny an Application for a City Grant under the Program if the Applicant has provided false or erroneous information, or made material omissions or materially misleading statements, or failed to complete the application process, or if there are any unresolved clouds on title to the Property in connection with and/or at the time of the application to the Program.

(a) Examples of clouds to title include, but are not limited to, persons named on title who have not signed the loan Application, persons named on title who are deceased, judgment(s) or other lien(s) against the Property for nonpayment of taxes of any kind, and mechanics liens filed against the Property.

(3) In the event property taxes or assessments as to the Property are delinquent for any date preceding May 1, 2020, this circumstance will disqualify the applicant. If a Property has been

the site of repeated or ongoing drug-related arrests or arrests for other felonious criminal activity as evidenced by police records/reports, then the Property is ineligible for Program assistance unless and until the owner demonstrates that such activities have been fully abated; City shall not be obligated to retain on hand funds for disbursement in relation to the Property during such time such abatement is effected.

II. PROPERTY; GRANT PROVISIONS.

Following determination of the Applicant/Owner's eligibility as described above, the Applicant/Owner must demonstrate eligibility of the Property in order to qualify for Program assistance. Real property will be evaluated and must meet each of the minimum requirements set forth below to be considered eligible Property.

A. Single Family Residence.

The Property must be an owner-occupied single family residence, including condominiums, townhomes, mobilehomes, or detached houses, and subject to the financial feasibility policy described herein), and the principal residence of the eligible Applicant/Owner. To be eligible, an applicant may not own any land or other real property (whether condominiums, townhomes, detached houses, multifamily housing, or mobilehomes) other than or in addition to the Property.

B. Condition.

The condition of the Property will not be vetted by City as part of this Program; the City makes no representations or warranties concerning the condition of any Property, its suitability for the Program Participant, the terms and conditions of any Loan, or otherwise.

C. Program Grants.

If the City approves an Application for funding, the amount of such grant, as determined by the Director, shall be limited to the lesser of (i) the amount necessary to cure an outstanding delinquency under a Mortgage Loan or (ii) Ten Thousand Dollars (\$10,000.00), and the payee shall be an Institutional Lender. All determinations by the Director under IB shall be final.

Prior to the disbursement of any moneys by City, the Owner shall execute and deliver to the Director the Owner Statement substantially in the form of Exhibit B, as well as confirmation from the relevant Institutional Lender that, upon disbursement by the City of moneys to such Institutional Lender, that Institutional Lender shall provide written confirmation of receipt of such moneys and application to the loan held by such Institutional Lender as to the applicable Property.

Grant funds are to be paid directly to the corresponding Institutional Lender; each such Institutional Lender shall be required to provide a receipt for payment to the City, a copy of which may be provided by the Institutional Lender to the Program Manager.

III. ONGOING TERMS AND CONDITIONS OF PROGRAM ASSISTANCE.

A. Nondiscrimination.

There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, marital status, national origin, or ancestry, in connection with this Program.

B. Compliance with Program Policies and Procedures.

Throughout the applicable term of Program assistance, each Owner shall comply with all Program requirements and procedures as set forth in these Guidelines, Policies and Procedures, and as required by the Program Manager, and as set forth in the applicable City grant documents.

IV. PROGRAM INTEREST AND APPLICATION PROCEDURES FOR CITY GRANTS UNDER THE PROGRAM.

A. Initial Inquiry.

Interested owners may contact the Program Manager or the City about the Program. As a first step, the Program Manager will conduct a pre-screening via telephone or in-person as requested by the owner/prospective applicant. During the pre-screening, the owner will be asked about the annual gross income of the household, and such other information as the Director may request.

B. Application.

An applicant must complete an application in form hereafter approved by the Director for the Program (an "Application").

C. Program Manager Program Files.

The Program Manager shall establish a file for each Applicant and determine eligibility by reviewing income, location of subject property and other Program criteria. Concurrently, the Program Manager will complete a valuation analysis and title search to ensure they household meets the EMAP requirements.

D. Ineligibility.

If the Applicant is determined not eligible by the Program Manager or the City, the Program Manager will notify the interested Applicant in writing. The letter will explain with general detail why the Applicant is ineligible for the Program. The Program Manager shall file the application in the ineligible projects folder.

E. Application to City.

Upon the Program Manager's review and initial evaluation that the application is complete and the Applicant may be eligible to participate in the Program, then the Program Manager may schedule an appointment for a site inspection in order to prepare and present a complete application to the City for final review and approval (or disapproval) by the Program Manager.

F. Approval of Application.

If the application is approved by the City, then the Program Manager requests City staff to prepare the applicable City grant documents and arrange for the disbursement of moneys as provided herein.

V. REQUIRED RECORD KEEPING AND FILE RETENTION.

A. Program Manager Maintains Files.

All Applicant files and all approved homeowner files shall be maintained by Program Manager to document the significant history of EMAP activities for all projects.

(1) The Program Manager must maintain these files for a period not less than four (4) years following each disbursement of moneys hereunder.

(2) Project Files must include at a minimum:

(a) The application and all supporting documentation related to income status and for all approved files status as Low Income household, evidence of owner-occupancy, and property information reports.

(b) City grant documents and receipts from Institutional Lenders.

VI. PROGRAM CHANGES.

At the discretion of the Director, the Program may be modified to ensure timely expenditures of Program funds and to otherwise meet the intent of assisting eligible Low and Very Low Income households.

VII. PROGRAM DATABASE.

For each fiscal year, Program Manager may maintain a Program database containing the case number, name, address, telephone number, racial/ethnic data, census tract, block group, household size, household income, Low Income or Very Low Income status, housing cost burden percentage, year built, application date, inspection date (if applicable), approval date(s), funds awarded,.

VIII. OTHER PROVISIONS.

A. Environmental Clearance.

As no construction or property acquisition is provided for under the Program, no environmental clearance is required.

B. Davis Bacon & Related Acts (DBRA).

No improvements are to be funded with moneys under this Program; as such, the funds used on the Program are not subject to Davis Bacon and related acts.

C. Section 3.

No improvements are to be funded with moneys under this Program; as such, the funds used on the Program are not subject to the Section 3 federal requirements.

D. Equal Opportunity.

Applicants and approved homeowners shall not be discriminated against on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, creed, ancestry, national or ethnic origin, age, family or marital status, handicap or disability, genetic information, or any other arbitrary basis. In addition, Applicants may not discriminate in the use, occupancy, and awarding of contracts with respect to the property to be rehabilitated with the assistance of a City Grant.

E. Conflict of Interest.

No member of the governing body of the City and any other official, employee, or agent of the City who exercises policy, decision-making functions or responsibilities in connection with planning and implementation of the Program shall be directly or indirectly eligible for EMAP assistance. This restriction shall continue for two (2) years after an individual's relation with the City under the Program ends.

F. Relocation.

Relocation is not contemplated as a part of this rehabilitation activity; provided however, if an unanticipated event occurs that requires temporary relocation, and such relocation is essential to the accomplishment of rehabilitation activity and is not the responsibility of the applicant, such relocation shall be performed in compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Section 104(d) and may be paid for using Program funds.

G. Applicability of Federal State and Local Regulations/ Authority to Administer.

While all Program funds are subject to the requirements of these Guidelines, there may be additional special provisions and limitations depending on changing requirements of the funding source. Consequently, additional requirements not shown in these Guidelines may apply and, thus, the Director may amend these Guidelines from time to time to reflect changes in the requirements of the funding source for this Program as required.

IX. OVERRIDING LIMITATIONS AND CONSTRAINTS

The mortgage assistance program and these Guidelines are subject to modification, reduction, or discontinuance at any time by City, without requirement of prior notice to any applicant. City resources available for the program are limited. The City reserves the right to decline the participation of any applicant in the program.

EXHIBIT A

Program Application for City Grant

(See Attached)

FOR OFFICE USE ONLY:

Date Received: _____ Received By: _____

Date Logged in File: _____ Logged in By: _____

**EMERGENCY MORTGAGE
ASSISTANCE PROGRAM (EMAP)**

Applicant's Name:	Birth Date:
Co-Applicant's Name:	Birth Date:
Home Address:	Phone Number:
Are you the homeowner?	If not, what is your relationship to the homeowner?
Who lives in your home? List all names, ages of all members of your household, adults and minors.	
Please describe your household:	
Why do you need the City of Highland's help/why do you qualify under the Program?	
Please provide any information which indicates that any mortgage delinquencies with respect to the Property were caused or contributed to by the COVID-19 pandemic.	
Anything else you'd like to share?	

Provide the following with your application: (i) a copy of the two most recent mortgage statements; (ii) any notice of default or notice of sale with respect to the Property; (iii) a statement indicating the status of property tax and assessment payments (specifically indicating whether any such taxes remain due and payable for any date preceding May 1, 2020); (iv) a statement indicating whether there are any liens for payment of federal or state taxes; (v) a copy of a valid photo ID for all property owners on title; (vi) pay stubs for the two pay periods most closely preceding the date the application is submitted; and (vii) all current checking, savings, and investment accounts for two months (including but not limited to stocks, IRAs, pension accounts, mutual funds). Please note that you may be required to submit such additional information as the Director may request at his or her discretion in order for your application to be considered.

HOMEOWNER'S AGREEMENT

I/We, _____, certify that the information on this application is true and accurate and that I/we own in fee the property at located at _____ (the "Property"), Highland, California.

I/We represent, warrant, and certify to the City as follows, acknowledging that any approval of financial assistance by City would be made in reliance upon the statements set forth below:

- I/we are the sole owner of the Property and reside at the Property as my/our sole residence
- I/we are not delinquent in the payment of property taxes or assessments as to the Property
- I/we have fully and accurately disclosed my/our income and assets to the City.
- I/we do not own any land or other real property (whether condominiums, townhomes, detached houses, multifamily housing, or mobilehomes) other than or in addition to the Property.
- Due to impacts of the COVID-19 Pandemic, I/we are delinquent with respect to payments under a mortgage loan; that mortgage loan is a first or second loan as to the Property.
- Due to the impacts of the COVID-19 Pandemic, I/we are facing foreclosure or loss of our Property absent an infusion of assistance by the City under the Program.
- I/we have been provided with a copy of the City of Highland Mortgage Assistance Program Guidelines, Policies and Procedures for Grants (Emergency Mortgage Assistance Program) (the "Guidelines") and have reviewed such Guidelines; I/we have had an opportunity to obtain legal advice and other advice with respect to this application as well as with respect to the Guidelines.
- I/we are not receiving any financial assistance from a public agency other than the City with respect to the payment of housing costs.
- I/we do not have the financial means to repay assistance provided by the City under the Program.
- I/we intend to continue to occupy the Property as our residence.

I/We acknowledge I/we have received a complete copy of and had an opportunity to read the EMAP Guidelines.

SIGNATURE OF APPLICANT _____ DATE _____

SIGNATURE OF CO-APPLICANT _____ DATE _____

CHECKLIST OF REQUIRED DOCUMENTS

The following is a checklist of the documentation and other items that you must enclose with your Application packet. Except for disclosure required under state or federal law, the information in your Application is considered confidential and private. Only officially designated City of Highland employees assigned to administer the Program and their advisers (which may include legal counsel) will see your Application and related file, except as required by applicable laws. Please use this checklist to help you in gathering the required information.

Please make sure to check off the items below as you include them with your application.

- _____ Copy of the two most recent mortgage statements.
- _____ Two months of checking and/or savings account statements - all pages and most current of all accounts (including but not limited to stocks, IRA's, pension accounts, mutual funds etc.).
- _____ Copy of most recent property tax statement.
- _____ ID card or Driver's License

All documents submitted must show the name(s) and address(es) of the applicant(s).

Please provide verification of all household income for each adult in your household unless a fulltime student (provide proof of school registration) and/or benefits for children will be requested with the full application. Household income may include but is not limited to employment income, food stamps, child support, SSI, SSDI, pension/retirement/Social Security and contributions from other family members or third parties whether or not they live in the home.

Please indicate with an "X" each item that is being included for each person in the household.

	Homeowner 1 (applicant)	Homeowner 2 (co-applicant)	Other household member	Other household member	Other household member	Other household member
Tax Returns + W2						
Social Security						
Retirement/Pension						
Pay Stubs (2 mo.)						
Disability/SSI						

Do you receive rental income? No Yes If Yes, how much per month? _____

Please list any other income not included above: _____

List any and all assets held by each adult member listed above:

Optional Information:

Race/National Origin _____

Ethnicity _____

Head of Household - Male Female

I do not wish to furnish this information

Exhibit B

Owner Statement

City of Highland
27215 Base Line
Highland, California 92346
Attention: Community Development Director

Re: Application for City grant, City of Highland Emergency Mortgage Assistance Program

To whom it may concern:

This will confirm that I/we have applied for assistance under the City of Highland Emergency Mortgage Assistance Program (EMAP) by application originally dated as of _____, 202_ (the "Original Application"). I/we confirm that I/we have been provided with and have reviewed the *Mortgage Assistance Guidelines, Policies and Procedures* for the EMAP; in addition, City staff has been available to me/us and has responded to such questions as we have had concerning the EMAP.

By this writing ("Owner Statement") I/we certify, represent and warrant that all matters set forth in the Original Application, as well as any supplemental materials I/we provided to the City, are true, accurate and correct. I/we have provided all information requested and have not omitted any information regarding income, assets, or the persons residing at the Property. I/we confirm that my/our income for [calendar 2020][calendar 2021] was not in excess of \$ _____, and that I/we do not have assets in excess of _____.

I/we understand that the City is relying upon the accuracy of information provided by me/us in connection with the administration of federal and other moneys.

I/we certify under penalty of perjury that the foregoing is true and correct as of _____, 202_.

Name:

Name: