

REQUEST FOR WAIVER OF ASSET LIMIT ON HUD HOME MORTGAGE REDUCTION PROGRAM

To: Dane County CDBG Commission
From: Habitat for Humanity of Dane County
Date: 5/20/2024

Greetings Commissioners:

Habitat for Humanity of Dane County is requesting your consideration to waive the *Dane County CDBG & HOME Mortgage Reduction Assistance – Deferred Payment Loans Program Standards*:

Found in ELIGIBLE BORROWERS Section (f) below.

ELIGIBLE BORROWERS

f. The maximum amount of “liquid assets” the borrower can have in reserves cannot exceed the equivalent of twelve months of PITI (principal, interest, taxes, and insurance). “Liquid assets” includes: checking accounts, savings accounts, life insurance net cash value, stocks, bonds and annuities. Excluded are: IRA’s, 401K plans, pension profit sharing, other pensions, employee retirement funds and personal property, including automobiles.

Our Applicant Dio Yao immigrated to the United States from Cote D’Ivoire, Africa about 12 years ago. Dio and his wife had three boys together with the youngest having been diagnosed as Autistic and is attending the Wisconsin Early Autism Program.

Tragically the family lost their wife and mother, Sandrine, at the end of 2022 leaving Dio on his own to raise the boys. Part of Sandrine’s estate were life insurance proceeds that were divided among the three boys and put into Guardianship savings accounts for which Dio is named Guardian.

These accounts total \$44,650.83 and when combined with Dio’s other liquid assets of \$6,310.77 total \$50,911.60. Based on the twelve-month rule his maximum liquid asset limit is \$20,526.97.

Because use of these assets require approval from the Dane County Circuit Court, see attached Letters of Guardianship Section C (3), we (Habitat) would not consider these as “liquid” as they are not automatically available to Dio for any use he chooses.

HUDs income calculation guidelines require that assets are used in determining income for the household by using the “book rate” multiplied by assets over \$5,000 which is added to income from all other sources and when totaled must be below 80% of median income for household size. When Dio applied to enter the Habitat program that income was 59.43%. That has increased to 60.10% which is well below the 80%. A portion of this income is for Social Security payments paid for the surviving children.

Barriers for low-income families are substantial. This family has already overcome many of them and I would encourage the committee to make this one-time waiver given the extenuating circumstances.

Attached is the family story that Dio wrote at the beginning of his path through the Habitat program along with the Guardianship documentation showing the restriction on accessing the funds.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Paul Sukenik", with a stylized, cursive script.

Paul Sukenik
Vice President – Community Services
Habitat for Humanity of Dane County
psukenik@habitatdane.org
608-255-1549 Ext 101



The Yao Family Story

My name is Dio Hugues Yao. I am a father for three boys. My first son is Moaye Eudes Corneille-Marie Yao. He will turn 16-year-old on September 11th. He will be in 11th grade this year at Memorial High School. He is a great soccer player. I hope one day he can make it professional because he is very good at it, and this is his dream.

Miensa David Ethan Yao is my second son. He will turn seven years old on October 29th and will be attending first grade at Midvale Elementary. He loves soccer like his older brother, and I think he is inspired by him.

Nguessan Jason Uriel Yao is my last but not least son. Jason turned five years old on July fourth. He is autistic and attending WEAP (Wisconsin Early Autism Program). He loves music and jumping around.

As a family, we normally go to the zoo, the park, visit friends, watch Moaye whenever he has a game, and go to Urban Air to jump around because of Jason.

We are from the Ivory Coast (Cote D'Ivoire) which is in West Africa. I have lived in Dane County for 11 years. My wife and kids joined me six years ago. Our first challenge was the language. The winter driving and the cultural differences were challenging too, but we persevered. Our biggest challenge was the loss of our wife and mother at the end of 2022, so we are a household of boys. My wife Sandrine Yao was a blessing and I know she will be happy knowing that we became homeowners.

We are Catholic and members of the Good Shepard Parish. We teach our boys love, respect hard work, and share our faith.

I am grateful for Habitat of Humanity's Project. Participating in the construction of my home or helping somebody else will give me the confidence and tools that I need to prepare to be a good homeowner.

Being a homeowner is a dream come true. We (the boys and I) won't have to move from place to place and make the kids change school. With renting costs increasing, having our own place with enough rooms, a yard where we can place a swing set, hosting friends for a family dinner is a sign of stability and independence.

FILED

04-24-2023

CIRCUIT COURT

DANE COUNTY, WI

2023GN000030

BY THE COURT:

DATE SIGNED: April 24, 2023

Electronically signed by Ben J. Schulenburg
Court Commissioner

State of Wisconsin, County of Dane

This document is a full, true and correct
copy of the original on file

and of record in my office and has been

compared by me. I further

certify that said letters are in full force and effect.

Attest: 24th day of April, 2023Rayn B. Mee
Deputy Register in ProbateSTATE OF WISCONSIN, CIRCUIT COURT, DANE

COUNTY

IN THE MATTER OF

☐ Amended

Nguessan Yao
Name

Letters of Guardianship
(Minor Guardianship of the Estate)

7/4/2018
Date of Birth

Case No. 23GN30To: Dio YaoAddress: 1024 W. Fiedler Lane #4, Madison, WI 53713These Letters of Guardianship of the Estate are effective on [Date] 4/24/23.

- ☒ You are appointed ☒ guardian ☐ co-guardian ☐ successor guardian of the estate of the above-named minor ward.
- ☐ You are appointed standby guardian of the estate and your authority to act is limited to the following time period:
[Starting Date] _____ through [Ending Date] _____.

You are issued Letters of Guardianship of the Estate of a minor ward with the following powers or limitations:

- A. ☐ Co-guardians must agree with each other when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward only in these limited circumstances: _____.
- ☐ B. The successor guardian is authorized to exercise powers as previously authorized or modified for this minor ward.
☐ See attached Letters dated _____.
- C. You are authorized to
☐ (1) Perform all powers under 54.20(3) that do not require court approval, ☐ except for the following powers: _____ ☐ See attached
☐ (2) Perform the following additional powers (other than to make gifts) that require court approval under §54.20(2), Wis. Stats.: _____ ☐ See attached
☒ (3) deposit the ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the ward, payable only upon further order of the court. No withdrawals may be made from any account without a specific court order because the court dispensed with the requirement of bond.
- D. The guardianship of the estate terminates when the minor ward reaches age 18; upon marriage; upon death; ordered by the court, or provided by law.

These Letters of Guardianship of the Estate supersede any previously issued Letters of Guardianship of the Estate of a minor ward.

FILED

04-24-2023

CIRCUIT COURT

DANE COUNTY, WI

2023GN000031

BY THE COURT:

DATE SIGNED: April 24, 2023

Electronically signed by Ben J. Schulenburg
Court Commissioner

State of Wisconsin, County of Dane
This document is a full, true and correct
copy of the original on file
and of record in my office and has been
compared by me. I further
certify that said letters are in full force and effect.

Attest: 24th day of April, 2023
Kara B. Miller
Deputy Register in Probate



STATE OF WISCONSIN, CIRCUIT COURT, DANE

COUNTY

IN THE MATTER OF

☐ Amended

Miensa Yao
Name

Letters of Guardianship
(Minor Guardianship of the Estate)

10/29/2016
Date of Birth

Case No. 23GN31

To: Dio Yao

Address: 1024 W. Fiedler Lane #4, Madison, WI 53713

These Letters of Guardianship of the Estate are effective on [Date] 4/24/23.

☒ You are appointed ☒ guardian ☐ co-guardian ☐ successor guardian of the estate of the above-named minor ward.

☐ You are appointed standby guardian of the estate and your authority to act is limited to the following time period:
[Starting Date] _____ through [Ending Date] _____.

You are issued Letters of Guardianship of the Estate of a minor ward with the following powers or limitations:

- A. ☐ Co-guardians must agree with each other when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward only in these limited circumstances: _____

☐ B. The successor guardian is authorized to exercise powers as previously authorized or modified for this minor ward.

☐ See attached Letters dated _____.

C. You are authorized to

☐ (1) Perform all powers under 54.20(3) that do not require court approval, ☐ except for the following powers: _____ ☐ See attached

☐ (2) Perform the following additional powers (other than to make gifts) that require court approval under §54.20(2), Wis. Stats.: _____ ☐ See attached

☒ (3) deposit the ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the ward, payable only upon further order of the court. ~~No withdrawals may be made from any account without a specific court order because the court dispensed with the requirement of bond.~~

D. The guardianship of the estate terminates when the minor ward reaches age 18; upon marriage; upon death; ordered by the court, or provided by law.

These Letters of Guardianship of the Estate supersede any previously issued Letters of Guardianship of the Estate of a minor ward.

FILED

04-24-2023

CIRCUIT COURT

DANE COUNTY, WI

2023GN000032

BY THE COURT:

DATE SIGNED: April 24, 2023

Electronically signed by Ben J. Schulenburg
Court Commissioner

State of Wisconsin, County of Dane
This document is a full, true and correct
copy of the original on file
and of record in my office and has been
compared by me. I further
certify that said letters are in full force and effect.
Attest: 24th day of April, 2023
Karen B. Meier
Deputy Register in Probate



STATE OF WISCONSIN, CIRCUIT COURT, DANE COUNTY

IN THE MATTER OF

☐ Amended

Moaye Yao
Name

Letters of Guardianship
(Minor Guardianship of the Estate)

9/11/2007
Date of Birth

Case No. 23GN32

To: Dio Yao
Address: 1024 W. Fiedler Lane #4, Madison, WI 53713

These Letters of Guardianship of the Estate are effective on [Date] 4/24/23.

- ☒ You are appointed ☒ guardian ☐ co-guardian ☐ successor guardian of the estate of the above-named minor ward.
- ☐ You are appointed standby guardian of the estate and your authority to act is limited to the following time period:
[Starting Date] _____ through [Ending Date] _____.

You are issued Letters of Guardianship of the Estate of a minor ward with the following powers or limitations:

- A. ☐ Co-guardians must agree with each other when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward.
☐ Co-guardians may act independently when making decisions on behalf of the minor ward only in these limited circumstances: _____.
- ☐ B. The successor guardian is authorized to exercise powers as previously authorized or modified for this minor ward.
☐ See attached Letters dated _____.
- C. You are authorized to
☐ (1) Perform all powers under 54.20(3) that do not require court approval, ☐ except for the following powers: _____ ☐ See attached
☐ (2) Perform the following additional powers (other than to make gifts) that require court approval under §54.20(2), Wis. Stats.: _____ ☐ See attached
☒ (3) deposit the ward's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the ward, payable only upon further order of the court. No withdrawals may be made from any account without a specific court order because the court dispensed with the requirement of bond.
- D. The guardianship of the estate terminates when the minor ward reaches age 18; upon marriage; upon death; ordered by the court, or provided by law.

These Letters of Guardianship of the Estate supersede any previously issued Letters of Guardianship of the Estate of a minor ward.



Community Development Block Grant
Home Investment Partnerships

Dane County Department of Human Services

Interim Director – Astra Iheukumere

Housing Access & Affordability Division – Casey Becker

HAA Human Services Manager – Joanna Cervantes

210 Martin Luther King Jr. Blvd, Room 421, Madison, WI 53703

TO: Community Development Block Grant Commission

FROM: Caleb Odorfer, CDBG/HOME Program Specialist

DATE: May 28, 2024

SUBJECT: Staff Recommendation for Habitat for Humanity Mortgage Reduction Assistance Waiver Request

WAIVER REQUEST: Habitat of Humanity of Dane County requests a waiver of the following eligibility requirement of the *Dane County CDBG & HOME Mortgage Reduction Assistance – Deferred Payment Loans Program Standards*:

ELIGIBLE BORROWERS

f. The maximum amount of “liquid assets” the borrower can have in reserves cannot exceed the equivalent of twelve months of PITI (principal, interest, taxes, and insurance). “Liquid assets” includes: checking accounts, savings accounts, life insurance net cash value, stocks, bonds and annuities. Excluded are: IRA’s, 401K plans, pension profit sharing, other pensions, employee retirement funds and personal property, including automobiles.

This eligibility requirement is a County policy and eligible for waiver by the CDBG Commission.

HUD ASSET POLICY: Per [Exhibit 5-2: Assets](#) of the HUD Occupancy Handbook, “There is **no asset limitation for participation in HUD assisted-housing programs.**” (pg. 6/07)

BACKGROUND: Habitat applicant has three sons, one of which is autistic. Applicant’s wife, and sons’ mother died. \$44,650.83 in life-insurance benefits went into accounts for the three boys. The father has Guardianship of the accounts but can only access them via court order. The boys’ accounts, combined with \$6,310.77 of the father’s assets, is \$50,911.60. This puts the total household assets over the County “liquid asset” limit of 12 months PITI. According to Habitat the 12 month PITI is \$20,526.97. Based on Habitat’s income verification, the household income, including the children’s Social Security, is 60.10% of the median income and in compliance with HUD guidelines.

RECOMMENDATION: It is staff’s recommendation for the CDBG Commission to grant the waiver request. In Staff’s estimation the County policy to limit the maximum amount of “liquid assets” the borrower can have in reserve to twelve months of PITI is an effort by the County intended to help ensure that the funds are going to those most in need. Given the extenuating circumstances created by the death of the mother, and the nature of the children’s accounts, and that the household otherwise qualifies, enforcing this policy would be contravening that intent.