



City of Mansfield, Ohio
Permanent Supportive Rental Housing Development
Request for Proposals (RFP)

HOME Investment Partnerships Program - American Rescue Plan Act of
2021 (HOME-ARP)

RFP Release Date: May 12, 2023

RFP Publication Date on City website: May 12, 2023

RFP Publication Date in Mansfield News Journal: May 12, 2023

RFP Due Date: June 12, 2023 at 4:00 pm EST

City of Mansfield Contact for this RFP

Adrian Ackerman

Community Development and Housing Director

City of Mansfield

aackerman@ci.mansfield.oh.us

Description of Event	Date or Amount
RFP release date	May 12, 2023
Informational Developer Meeting – To be held via Zoom	May 18, 2023 at 1:00 pm EST
Deadline for RFP Questions	May 25, 2023 at 4:00pm EST
Publishing date of RFP Questions and Answers to City of Mansfield website	May 31, 2023
Submission due date	June 12, 2023 at 4:00pm EST
Commitment of funds	When all other funding secured & contingencies met
Construction start deadline	Within 90 days of executing Commitment Agreement
Construction completion deadline	July 31, 2025
Project lease-up/closeout deadline	July 31, 2027
Minimum project award of HOME-ARP funds	\$600,000
Eligible Use of HOME-ARP funds	<p>\$600,000 has been set aside in this RFP for the acquisition, construction, and/or rehabilitation of affordable Permanent Supportive rental housing. The City anticipates funding one (1) project with a total of four (4) HOME-ARP funded units of Permanent Supportive Housing for Qualified Populations and Extremely Low Income (ELI) households, defined as those with incomes at or below 30% of the Area Median Income (AMI). The City anticipates that the total number of units in the project will be at least 12 units of housing, as the project is required to leverage other dollars.</p> <p>All Qualified Populations as defined in HUD Notice CPD-21-10 may be served by the projects funded through this RFP. In accordance with the City of Mansfield’s HOME-ARP Allocation Plan, the City does not have a preference among Qualifying Populations to be served under this RFP.</p>
Maximum HOME-ARP funding by developer	\$600,000

Summary

The City of Mansfield (City) is seeking proposals from qualified Developers to create affordable permanent supportive rental housing in the City. Up to \$600,000 will be available through the HOME-ARP Program as gap funding for one permanent supportive housing project. This housing is meant to create units affordable to Qualifying Populations and extremely low-income households, tied to services needed by the tenants served.

Successful projects will be provided a conditional reservation letter, along with a list of conditions to be met prior to commitment of funds. Legal documents will include, but not be limited to, a written commitment agreement, a mortgage, a note, a replacement reserve, and a regulatory agreement.

This is an eligible use of HOME Investment Partnerships Program - American Rescue Plan Act of 2021 (HOME-ARP) funds appropriated under Public Law 117-2. HOME-ARP supports the City's unmet recovery needs to reduce homelessness and increase housing stability across the City of Mansfield.

The City anticipates utilizing these funds for the construction of rental properties through this RFP. Funds will be utilized to develop needed housing, create affordable permanent supportive rental housing opportunities, and provide needed services for tenants. All projects funded through the RFP process must be located in the City of Mansfield jurisdiction.

HOME-ARP funds may be used to assist one or more units in a project. The City anticipates funding one (1) Project resulting in a minimum of four (4) HOME-ARP funded units of new permanent supportive housing for Qualifying Populations. Only the eligible development costs of the HOME-ARP units may be charged to the HOME-ARP program. HOME-ARP funds will be leveraged and the maximum award amount that may come from the City's HOME-ARP funds is \$600,000.

In 2022, the City completed its HOME-ARP Allocation Plan, which included study of the City's housing needs and garnered participation of the public and various stakeholders serving Qualifying Populations. The HOME-ARP Allocation Plan resulted in the identification of certain Qualifying Population Preferences. The Qualifying Populations for HOME-ARP are as follows:

1. Homeless
2. At Risk of Homelessness
3. Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
4. Other Populations, which includes Other Families Requiring Services or Housing Assistance to Prevent Homelessness OR At Greatest Risk of Housing Instability

All Qualified Populations as defined in HUD Notice CPD-21-10 may be served by the projects funded through this RFP.

Eligible Applicants and Project Types

Eligible applicants are non-profit and for-profit developers eligible to do business with the Federal Government, the State of Ohio, and the City of Mansfield. No debarred organizations or persons will be considered. Allocation of these funds will be according to the process and criteria specified in this RFP. The City may receive more proposals than can be funded with this HOME-ARP allocation and reserves the right to reject any and all submissions. Also, awarded applications may or may not be funded for the full amount requested.

The City encourages applicant developers (Developer) to seek additional funds from other state, federal and private sources, and a minimum of 80% of all project funding must come from other sources. Projects will be evaluated to determine the appropriate amount of HOME-ARP funds to successfully complete the project and meet program requirements. The more stringent of the HOME-ARP requirements or the requirements of any other funding sources will need to be met. If the project will include hard debt that must be repaid, such as a private mortgage from a bank, the Developer must clearly demonstrate through the pro forma, that the repayment of this debt will not be a burden on the long-term viability of the project. All Sections of the RFP should be properly addressed in any response.

The following costs are eligible to be covered by HOME-ARP funds through this RFP:

- Development hard costs, including the actual cost of constructing and rehabilitating housing to meet applicable property standards; and/or
- Acquisition costs of improved or unimproved real property; and/or
- Some related soft costs (must be pre-approved).

In addition, all projects must confirm potential tenants' status as a preferred Qualifying Population. The HOME-ARP rent may not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 50 percent of the median income for the area, as determined by HUD (i.e., Low HOME Rents).

The City is required to submit regular reports to the Department of Housing and Urban Development (HUD) that are designed to track each community's performance under HOME-ARP and to assure compliance with the federal HOME-ARP regulations. The City will set appropriate milestones/reporting requirements for Developers responding to this RFP.

The City's official RFP will post as of May 12, 2023 on the City of Mansfield web site and be published in the Mansfield News Journal on May 12, 2023. The City will hold an informational meeting regarding this RFP virtually on May 18, 2023 at 1:00 pm EST. The virtual meeting will be held virtually through Zoom. The call-in number may be obtained by writing Adrian Ackerman, the Community Development and Housing Director (see email below), to request

attendance. All interested Developers may attend this meeting, and should bring any questions that they need answered.

Written questions can also be sent to the Community Development and Housing Director electronically, at the email below. Written questions are due to be submitted by May 25 and all questions and responses will be posted on the RFP website on May 31, 2023.

City of Mansfield Contact for this RFP

Adrian Ackerman
Community Development and Housing Director
City of Mansfield
aackerman@ci.mansfield.oh.us

The City will create a list of Developers, to whom they will provide email updates, as they become available. Interested Developers should reach out to the Community Development and Housing Director listed above and request to be added to this list.

Financing Requirements

HOME-ARP funding is to be offered in the form of deferred payment or forgivable project financing loans to successful respondents of this RFP, and may be used only for eligible acquisition, construction hard costs, soft costs, and developer fees. The City prefers that all HOME-ARP funding be used for construction costs, as for other costs it can often be difficult to distinguish between what is and is not eligible. Developers should be aware that HOME-ARP is a gap funding; no HOME-ARP funds can be firmly committed or expended until all sources are committed. The City will require evidence of all funding commitments before the execution of any loan or grant agreements. These funds may be assumable and retained for permanent financing as long as they are used for affordable housing and meet other funding requirements. A Mortgage shall be signed at the time of project closing, prior to construction, and a lien shall remain on the property for the full term of the affordability period.

The loan terms may be revised on a case-by-case basis depending on particular project circumstances and at the City's concurrence. Loans will generally have the following terms, as outlined below:

- Loans will have a below market interest rate, between zero and three percent (0% - 3%) interest rate.
- The total term of the loan will be a minimum of twenty (20) years, and may be longer, as determined by the required affordability period, the funding mix for the project, and the City.
- Collateral will be a subordinate (2nd or shared 2nd) mortgage position.
- Payments will not be required as long as projects stay in compliance.

- If the project has more than one general partner/managing member (or equivalent), the City reserves the right to determine which will be the loan recipient.
- The Loan shall be secured by a written agreement, note, and mortgage.
- The balance of the loan shall be repaid in full upon any refinancing, sale, or transfer of the property during the term of the loan, unless the City agrees to allow the loan obligations to transfer to a new owner.
- Full repayment of the loan will also be required if the project goes into default of the Written Agreement.
- At the end of the loan term, an extension may be sought by the project owner. The Town will review the request and the project at that time, and may place additional conditions upon the project to secure the extension.

NOTE: The loan term and affordability period does not begin until the project is complete and eligible tenants occupy the assisted units. The affordability period and written agreements will remain in effect through any sale or transfer, or full repayment of loan.

Eligible Activities/Uses of Funds

HOME-ARP funds will be used to support the following activities related to the purchase, improvement, and rental of property as affordable housing to Qualified Populations. However, note that the City prefers that all HOME-ARP funding be used for construction costs, as for other costs it can often be difficult to distinguish between what is and is not eligible, which can delay reimbursement. No acquisition or activity should take place until the execution of the Written Agreement and the completion of the environmental review:

- **Acquisition of Property**, which must result in HOME-ARP affordable permanent supportive housing development.
- **New construction** – New construction of affordable permanent supportive housing units.
- **Rehabilitation** – Rehabilitation of buildings into affordable permanent supportive housing.
- **Reimbursement of soft costs** - which are reasonable and necessary. Please note that funding for soft costs is only eligible in collaboration with an eligible hard cost, and must be approved by the City. Examples of eligible soft costs could include the following project related costs -
 - Financing fees
 - Credit reports
 - Title binders and insurance
 - Surety fees
 - Recordation fees and transaction taxes

- Legal and accounting fees, including cost certification
- Environmental reviews
- Appraisals
- Architectural and engineering fees

Excess funds – In order to avoid undue enrichment, as required by program rules, excess HOME-ARP funds shall be retained by the City after all approved costs and approved Developer fees are paid, unless such proceeds are approved for use in project betterments or the production of additional units under the Written Agreement.

HOME-ARP funds will be provided as reimbursement for actual costs only. The City of Mansfield reserves the right to approve or deny the applicability and eligibility of costs on a per-application basis. HUD and the City require that construction costs are reasonable and consistent with current market costs for the area where the multifamily construction will take place.

Ineligible activities

The following activities are not eligible for reimbursement with HOME-ARP funds. These costs are eligible to be included in the total project budget.

- Pre-application costs and application development costs
- Advances of any type, including construction
- Providing any form of housing that is considered short-term or transitional
- Using HOME-ARP funds for housing for sale to home buyers
- Active HOME or CDBG projects still in affordability period
- The payment of delinquent property taxes or utilities
- Providing assistance authorized under Section 9 of the 1937 Act (annual contributions for operation of public housing)
- Carrying out activities authorized under 24 CFR Part 968 (Public Housing Modernization)
- Off-site development costs
- Entertainment costs
- Purchase of Equipment

Project Requirements

The City of Mansfield is soliciting proposals to provide affordable housing for Qualifying Populations at risk of experiencing homelessness. It is recommended that agencies interested in applying for funds under this RFP read the entire notice provided by HUD regarding HOME-ARP funding located at:

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>.

The City anticipates funding one (1) project, with a minimum of twelve (12) housing units, and must be able to be completed within four (4) years or less. Developers should not

submit applications for larger projects than they possess the capacity to complete within the required timeframe. All units must meet all applicable Ohio Building Codes and City ordinances.

Projects may or may not meet the formal HUD definition of Permanent Supportive Housing but should include on-site supportive services applicable to the Qualifying Population(s) served by the project. All affordable units in the project must meet HOME-ARP eligibility requirements and Low HOME rents. Unlike the regular HOME Program, which targets HOME-assisted rental units based on tenant income, a minimum of 70 percent of all HOME-ARP units will admit households based only upon their status as qualifying households.

Construction/Unit Standards

HOME-ARP rental units must comply with all rental property standards required in 24 CFR 92.251 paragraphs (a), (b), (c)(1) and (2), (e), and (f).

Application Evaluation Criteria

Applications will undergo a review that includes the following:

- **Threshold review:** Applications will be subject to threshold review to determine eligibility for HOME-ARP funding.
- **Scoring:** Projects meeting threshold requirements will be scored on a point system.
- **Underwriting:** High scoring projects will undergo underwriting for potential funding. Underwriting criteria and standards are outlined in the "HOME-ARP Requirements and Developer Obligations" section.
- **Development of a list of contingencies:** Projects selected for funding will be provided a list of changes that they must make, requirements that they must meet, and documents that they must produce in order to get to Project Commitment.

Threshold criteria include:

- Application and all requested narrative and attachments must be complete, and received by the application submission deadline. The application must be properly signed.
- The Developer must provide a fully completed preliminary budget and proforma using the forms provided by the City with this RFP. The Developer must also clarify in the application each anticipated source of funding, the anticipated funding amount, and the dates by which application for the funding has/will be made and by which funding decisions will be complete.
- The proposed activity(ies) must be eligible under the City's HOME-ARP Program.
- No RFP thresholds may be exceeded. All outlined requirements must be met.
- Projects must comply with Qualifying Populations and income targeting requirements.

- Evidence of site control must be provided. This must be evidenced by an executed option to buy, a purchase agreement, or a deed, and must be good for at least ninety (90) days past the deadline for application submission.
- If completed, a recent Phase I Environmental Site Assessment valid in accordance with the most current ASTM Standard should be provided with the application, along with complete and satisfactory responses to any issues raised in the Phase I report, and this can improve the applicant's score under readiness to proceed. A completed environmental review will be required prior to project commitment.
- Applicant team members must not be debarred or otherwise prohibited from conducting business with the City of Mansfield, the State of Ohio, or the Federal Government.

Developers that do not meet the threshold requirements may be deemed ineligible for further consideration. **Please do not submit incomplete applications for funding.** Projects meeting threshold will be scored. Eligible applications will be evaluated by City staff according to the following selection criteria:

Project Feasibility and Plan (40 points)

Quality and performance of overall project plan. The following will be evaluated:

- The submission of a complete, clear, compliant, and appropriate set of preliminary plans and specifications.
- Project budget is logical, reasonable, and a good value for the product. Estimated development and construction costs are well researched and detailed, and include appropriate contingencies and operating reserves.
- The project 20-year operating pro forma is based on sound, appropriate information, convincing data, and realistic inflators.
- Operating cash flows are realistic and adequate, and replacement reserves are appropriate.
- Project is well planned, structured and designed to fully comply with the requirements of this RFP, including City/County/State new construction standards and codes, HOME-ARP requirements.
- The project capitalizes on the desired characteristics related to durability, efficiency, accessibility, quality, usability, and aesthetics as outlined in this RFP, and includes energy efficiency and green building standards.
- Development milestones are logical and reasonable.
- There are effective marketing, referral, lease-up, and management strategies in place.
- Application and project information is complete, detailed, logical, consistent, and reasonable.

- The project is efficient in its use of HOME-ARP funds, and in its leveraging of other funds. Other sources of funding are realistic, adequate and appropriate (must be for a minimum of eighty percent [80%] of the total development costs). All funding and associated requirements are clear and adequately reflected in the pro forma.

Developer Capacity (25 points)

Proven record of development and/or redevelopment experience with comparable activities in similar neighborhoods; Developers demonstrating “capacity” will:

- Have a recent history of development and/or redevelopment that includes high quality affordable residential products delivered on-schedule and on-budget. This must include a minimum of at least three multifamily projects, one of which must have been affordable.
- Have adequate staffing levels with appropriate skills & qualifications to complete the proposed project within the stated timeframe.
- Demonstrate the extent to which previous experience is similar in type, scale, and complexity to proposed project.
- Demonstrate that current and projected workload will not interfere with ability to complete this project in a timely manner.
- Possess organizational financial strength.
- Have substantial experience and capacity in the successful lease up and management of rental property.
- Have experience and capacity in ownership and asset management of a similar type and size rental development.

Community Impact/Project marketability (20 points)

Projects must be marketable and involve properties that demonstrate a likelihood of having a stabilizing impact on the neighborhood.

- The project is at a density and scale that is appropriate for the site, given access to adequate road(s), topography, septic requirements, fire hazards, and other site conditions.
- The project makes good use of existing infrastructure.
- The project is close to the new walkable downtown, employment centers, or other significant community anchors.
- The likely impact of the project on the surrounding neighborhood. Will the project be a meaningful addition to the surrounding neighborhood?
- There is evidence that thought was given to the proximity of the project to other community development efforts taking place, grocery stores, parks, and other amenities

that may add value to the project and stabilize the community. Also, evidence that thought was given to common areas such as community space, play areas, laundry facilities, outdoor space, and neighborhood walkability.

- A plan is in place for the provision or availability of supportive services to tenants such as mental health/addiction counseling, job placement, childcare, educational opportunities, , transportation, financial literacy counseling, etc.
- The project is designed to meet the needs and tastes of the targeted market population, including overall and unit layout, size, number of bedrooms/bathrooms, architectural and aesthetic value, etc. Projected construction should include materials, design, and amenities that are of high quality and durable, efficient and marketable.
- The development has a positive impact on community equity by using a Developer or partner that is a Minority/Woman owned business or Minority/Women’s Business Enterprise, as applicable.

Readiness to Proceed (15 points)

Ability to implement program activities quickly and effectively upon the commitment of funds and to meet required milestones and deadlines as outlined above. Developers demonstrating “readiness” will:

- Have in place all needed zoning, documentation from the local building official attesting that the project has all necessary approvals to be issued a building permit (entitlements), utility permits, and SHPO approvals.
- Provide a copy of the appraisal of land to be acquired/used for the project.
- Have solicited bids for the project and identified a building contractor for the project, and have a contract in place that is contingent upon project funding.
- Include in the application conditional commitments for all construction and permanent financing, grants, equity sources and deferred fees or expenses. Conditional commitment letters for each source of financing contain the amount of the financing, and the interest rate, term and amortization period/repayment terms of the loan.
- Include an OHFA compliant Market study that meets the State requirements for tax credit projects. The Market study must show that the proposed project is marketable as structured. The market study requirements may be found here:

<https://ohiohome.org/ppd/documents/MarketStudyChecklist.pdf>

- Provide commitment letters from all project partners.

Underwriting

Once applications are scored, those with higher scores that are deemed eligible and potentially fundable will undergo an underwriting process, which will consist of the following components:

Financial Review

This will include a review of organization financial statements over time, along with audits. The financial strength of the organization will be a factor in project funding. Areas of review will include assets, liabilities, working capital, current ratio, revenue, expenses, net worth, leverage ratio, cash flow, budget variance, and return on investment.

Proforma Review

In addition to threshold and scoring criteria, we will look at efficiency in meeting project requirements such as subsidy per unit, use of HOME-ARP funds, project size, anticipated construction start date, etc. We will also review the budget and look at parameters such as percentage of soft costs, costs per unit, cash flow, construction contingency, contractor fees, developer fee, deferred developer fee amount. We will look at unit and revenue information such as the unit mix, potentially excessive construction financing, funding gap, strength of investors/syndicator, financing terms, and permanent financing. We will review the operating budget and cash flow, including management fees, pro forma period alignment, debt coverage ratio, vacancy rate, cash on cash return, replacement reserves, amount of hard debt, payment in lieu of taxes, rent and expense inflators, cash flow, sensitivity analysis, etc.

References

Knowledge of the Developer and their work, types and locations of projects completed, performance of developer, completion of projects on schedule and within budget, whether projects were well managed and adequately funded, etc.

Site visit

Marketability of project; likely impact of the project on the surrounding neighborhood; discernible issues with the planned use of the existing structure, the lot, the infrastructure, or the planning for the project; etc.

Questions may be asked of developers, and requests for additional information or for changes to the project may occur during this underwriting process.

Submission Contents & Instructions

Developers must submit the following in response to this RFP:

I. Cover letter

Attach to the front of your submission a one-page **cover letter** introducing yourself and your project, providing your reasons for pursuing this RFP and the reasons that you believe the City should seriously consider your project/organization for funding.

II. Application and Attachments

- A. Complete and sign the attached **Application**
- B. Complete the attached **Development Team Table**
- C. Complete the **HUD Utility Allowance Model** (see HUD.gov website).
- D. Complete all portions of the attached **Rental Development Pro Forma** for the housing portion of all projects. This document includes the following tabs:
 - o Project Summary, which is a budget for the project, including details on all sources and their breakdown by use.
 - o Revenue, which includes revenue projections, including rents and other income.
 - o Operating Budget, which shows all revenue and operating expenses.
 - o Operating Cash Flow, which shows net operating income and cash flow over a period of 20 years.
 - o Development budget, showing all anticipated development costs.
 - o Construction budget, including all hard costs.
 - o Construction Cash Flow, which shows sources and uses through each month during project development/construction.

You must use the pro forma template provided. This pro forma is to be used in conjunction with a separate proforma of your choice for the commercial property portion if you are developing a mixed-use project. This commercial development pro forma must include a development and construction budget and a full analysis of construction and operating cash flow over time. While we recognize the challenges of separating the commercial and the residential portions of development and construction costs, we believe that the benefits of being able to analyze these elements separately outweigh the challenges. We accept that there may be some need to apportion the costs in some way between the two elements (divide costs based upon the total square footage of each use, for example). Both the housing and the commercial elements of the project should be viable over the affordability period based upon their individual marketability and cash flow.

III. Organization Information and Capacity

- A. Provide a **narrative** overview of the organization's history and experience in developing market rate and affordable housing, and particularly rental housing. Also

describe your experience in working with federally funded affordable housing programs, especially HOME-ARP, CDBG, CDBG-DR, LIHTC, and HOME. Provide a project list with details about and locations of specific projects that you have completed. Include the total number of units in each development, the total development cost and sources of funding for each, along with the date of completion.

For three (3) projects similar to the one proposed, that have been placed into service in the past five (5) years, provide **reference contact information** from the community in which the development occurred, from a development that had funding from the community. A staff person with knowledge of the project should be the reference. Alternatively, we will accept references from local non-profit development partners that you worked with. In this case, the contact should be the executive director that partnered with you in the development. Also provide **2 years of the most recent project financial information** for each of these three projects. Information should include Balance Sheets, Income Statement and Statement of Cashflow. If summary statements are used, please make sure to include management fees and reserve account information for these projects. Provide explanations for material budget variances. If your organization has not completed 3 projects in the past five years, please explain why, and provide financial and reference information for whatever projects have been completed, and the timeframe for that completion. This can include at least three communities in which you have developed, or owned housing.

Identify your experience in working within the City of Mansfield. Also indicate whether your organization has a current presence in the City of Mansfield and provide details about the nature of your presence and the community involvement, development and/or affordable housing work in which you are presently engaged.

- B. Provide narrative describing your development team for the project. Describe the role, experience, and capacity of each person on the team. Include internal staff, project owner, project manager, specification writer, financial/accounting professionals, architects, engineers, contractors, construction manager, marketing professionals, property manager, asset manager, consultants, etc., as appropriate. Provide **resumes** for each staff person and partner, along with **letters of commitment** (optional, but worth readiness to proceed points) from each entity with which you propose to partner or contract and a narrative description of each organization. If executed, provide a copy of the **contract** (optional, but worth readiness to proceed points) between you and the primary building contractor for the project. The contract may be contingent upon project funding. Though we recognize that you may not have all partners in place, we will rate your overall capacity based upon those staff and partners that are presently committed to the project. If a CHDO is involved, they must contact the City prior to submission, and may be subject to a separate recertification by the City.

- C. Provide narrative describing any existing commitments and any other opportunities that you plan to pursue during the proposed development period for your project. Outline the start and completion dates, locations, funders, and total budgets for all other projects with which you will be involved. Explain how you will manage these multiple obligations.
- D. Provide narrative explaining how you will market properties to potential tenants, referral methods that you will use, how you will screen tenants, how you will ensure that potential tenants meet the Qualifying Population criteria, as required by HOME-ARP, and how you will meet fair housing/anti-discrimination requirements in the selection of tenants.
- E. Explain the systems you will have in place to manage the property and the assets. Outline how you will handle unit turnover, collection of rent payments, recordkeeping and reporting requirements, and evictions. Provide your plan for the provision of maintenance. Describe any services and/or amenities that you will offer to tenants.
- F. Provide copies of Developers **parent company financial statements** as listed below for 2020, 2021, 2022 and current financial statements for 2023 through March 31, 2023:
1. Statement of Financial Position (balance sheet) showing current and other assets, current and long-term debt and other liabilities, and equity.
 2. Income Statement (profit and loss statement) showing the company's financial performance (income, expense, and net profit or loss).
 3. Statement of cash flows. Shows changes in the entity's cash flows during the reporting periods.
 4. Copies of any **audits** completed during the past 3 years. The City reserves the right to require audited or certified financial statements prior to commitment.
- G. Include narrative on how you will comply with Section 3 requirements (see Section 3 of the Housing and Urban Development Act of 1968), and what efforts you will utilize to ensure that you are making the best use of local resources and seeking to expand opportunities to low-income persons within the target area and community.
- H. If you are a certified minority/women owned business or enterprise, or have certified minority/women owned businesses or enterprises on the development team, provide evidence.
- I. Prior to the signing of the Developer agreement be prepared to provide evidence of insurability for the insurance standards listed below (For your future reference, not needed at this time, but will be required prior to the signing of Developer agreement):
- The Developer shall maintain for the duration of the contract(s), at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability, which may arise from or in connection with the

performance of the work by the Vendor, its agents, employees, representatives, assigns or subcontractors. This insurance shall cover such claims as may be caused by any negligent act or omission.

Additional Insured Status: The local jurisdiction must be listed as additional insured for liability arising out of activities performed by or on behalf of the Contractor.

Special Conditions: The insurer must indicate on the Certificate of Insurance that it agrees to defend, indemnify, and hold harmless the local jurisdiction, its agents, servants, and administrators from any and all complaints arising out of work or duties to be performed under this contract between the local jurisdiction and the Vendor. Insurance requirements shall be detailed in the written commitment agreement.

IV. Project/Property Information

A. Provide copies of the following documents:

1. **Preliminary plans** including at a minimum a site map with marked cross streets and a North arrow, photos of the site, a site plan, floor plans with dimensions, and elevations. All drawings to be scaled and submitted electronically. Include a chart describing basic exterior and interior materials/finishes and amenities. Also include a narrative describing the energy and green building standards that will be met and the type of heating, air conditioning and ventilation system to be installed. A complete set of final approved plans including all mechanicals, cross sections, finishes, etc. shall be required prior to project commitment.
2. Evidence of **site control**. This must be evidenced by submission of an executed option to buy, a purchase agreement, or a deed, and must be good for at least 90 days past the deadline for application submission. A lease Agreement will also be accepted, but the lease must be for the full affordability period. Must have evidence of clear title prior to commitment.
3. Evidence of proper **zoning** for the site(s), such as a zoning map showing the project, and a letter from the local zoning office affirming that the current zoning is adequate, or approving the rezoning of the site(s). If zoning requirements are not currently met, describe what has been done and what remains to be done to come into compliance (the description is required, though evidence of proper zoning is optional, but worth readiness to proceed points. Evidence of proper zoning will be required prior to commitment).
4. If completed, provide copies of **Appraisals** for all project property (land and buildings) (optional, but worth readiness to proceed points, and will be required prior to commitment).
5. If they have been secured, provide documentation from the local building official attesting that the project has **all necessary approvals to be issued a building permit** (if fully entitled or has a completed application), copies of all necessary

- utility permits**, State of Ohio Historic Preservation Office **section 106 approval letter**, as applicable, and any other necessary **permits** for the project (optional, but worth readiness to proceed points, and will be required prior to commitment).
6. Identify in a **milestone chart** the anticipated dates for the completion of any and all key development milestones, including the following:
 - a. Submission of application for all other funding sources.
 - b. NEPA review and approval (No acquisition, physical work, or other choice limiting action, may proceed on the site, regardless of source, between the time of application and the NEPA approval).
 - c. Completion and submission of property appraisal.
 - d. Completion and submission of evidence of proper zoning.
 - e. Completion and submission of lead-based paint risk assessment report (if applicable), building entitlement approvals, section 106 approvals (if applicable), and utility approvals.
 - f. Completion and submission of compliant market study.
 - g. Acquisition of property (also include anticipated purchase price)
 - h. Executed contract with general contractor for project.
 - i. Construction start date.
 - j. Construction completion date.
 - k. 100% lease-up.
 7. If completed, provide a **market study** report for the project that meets the State of Ohio requirements for tax credit projects (optional, but worth readiness to proceed points). If the Market Study is not complete, then, the submission must include a market assessment that provides, at a minimum, the local prevailing market rents and vacancy rates to support the need and viability of the proposed development.
 8. Provide a completed **phase I Environmental site assessment** valid in accordance with the most current ASTM standard, along with complete and satisfactory responses to any issues raised in the Phase I report. The Phase I ESA report must be dated within four (4) months of the application submission due date.
- B. Provide **narrative** identifying the specific geographic location in which you plan to develop your project, and describing its proximity to employment centers. Also describe why there is a good fit between this project and the area in which you propose to construct it.
- C. Provide a **narrative** description of your anticipated tenants (based upon your market analysis). In the narrative describe your preliminary market analysis and findings, the

targeted population including income, age, anticipated household makeup, and other characteristics. Explain how you arrived at the projected rental amounts for each housing unit. Describe how you will ensure that the proper units get HOME-ARP eligible tenants of preferred Qualifying Populations. Describe the differences between the HOME-ARP eligible units and other units in the project, including any market rate units. Will the market rate units be comparable to the HOME-ARP assisted units in both size (bedroom count and square footage) and amenities (similar fixtures, appliances, and features)?

1. Describe the marketing and outreach strategy you will utilize to reach your target program participants.
 2. Describe any supportive services that you will provide to your tenants, how they will be provided, and why these are valuable to the targeted population. Also describe any other services available to your tenants.
 3. Identify any mechanisms currently in place to assist with the rents for potential tenants.
- D. Provide a **narrative** description of the proposed project for which funds are being requested. Explain how you will complete and rent the project within the prescribed timeframe
1. Describe in what ways the project is designed to have an impact on the surrounding neighborhood and market.
 2. Provide information on the proximity of the project to other community development efforts, public transportation, grocery stores, parks, and other neighborhood amenities that may add value to the project and stabilize the community.
 3. Describe the common areas and facilities available to the tenants, and explain how the project and the units are positioned to meet the needs and tastes of the targeted market population, including layout, size, number of bedrooms/bathrooms, architectural and aesthetic value, amenities, etc.
 4. Describe design accommodations for accessibility; natural light; fresh air; storage; circulation; and standards regarding the quality and durability of cabinets, appliances, fixtures, building components, hardware, and finishes.
 5. What materials, design features, and amenities will make the units energy efficient and marketable?
 6. Describe any commercial units in your project. Will they make the project more or less marketable? How are they a good fit for this project? How do you intend to market these units, and what provisions have you made for customers of these establishments? What types of businesses do you hope to attract? How did you arrive at lease amounts?

- E. In a **narrative**, describe the financial aspects of your project. Indicate the HOME-ARP funding requested for development, plus any other types of funding to be used. As available, provide **letters of commitment** for these funds, including funding amounts and specifying all key business terms (optional, but worth readiness to proceed points, and these will be required prior to commitment). Also identify any and all key conditions that need to be satisfied before each funder will be willing to close. If funds are not available to the project at the time of application submittal, identify when you applied or will apply for the identified funds. Also, identify when the commitment may be expected. Also describe the financing structure for any commercial units.
1. Identify and describe any investors in the project and their proposed level of investment. If available, provide a **letter of commitment** providing details regarding the investment (optional, but worth readiness to proceed points, and will be required prior to commitment).
 2. Developer fee: Indicate the proposed Developer fee (maximum 15% of proposed development costs which will include all project management or consultant management fees), and all other fees proposed (including builder fees) to be earned by affiliates of the Developer, for each unit developed under this RFP.

HOME-ARP Requirements and Developer Obligations

HOME-ARP funds are available for project-related hard costs and soft costs of the Developer. All costs must be related to the production of eligible housing units. The Developer must demonstrate project cost reasonableness, which will be reviewed and must be approved by the City.

- **Relocation** - The Developer must adhere to federal requirements related to acquisition, displacement and relocation found at 49 CFR Part 24 (the Uniform Relocation Assistance and Real Property Acquisition Act). HOME-ARP funds offered through this RFP are not anticipated to be used for this purpose. Occupied properties triggering displacement are generally ineligible for this RFP, although the City will consider requests made prior to application submission on a case-by-case basis. All properties acquired through this RFP are anticipated to be vacant prior to initiation of the project and prior to the City's funding commitment, and any deviation of this should be disclosed during the application comment period, along with a detailed explanation of the need for an exception.
- **Environmental Review** – An environmental review will be required for any project selected through this RFP in accordance with 24 CFR, Part 58. The proposal application will include a Phase I Environmental Site Assessment valid in accordance with the most current ASTM Standard. The Phase I ESA report must be dated within 4 months of the application submission due date. The City reserves the right to reject any sites indicated to have environmental problems or hazards. The City will contact the Developer if

additional information or effort is required. The Developer may not proceed with any activity until it has been issued an Authority to Use Grant Funds and Notice to Proceed. Developers must agree that the provision of any funds to their project(s) is conditioned on the City's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. Developers may be required to contract for environmental consulting services to provide the necessary information, which shall be an eligible project soft cost.

No work may start on a proposed Project, or proposed site acquisition, if applicable, before both the federal and state environmental review processes are completed, even if that work/acquisition is being done using non-federal funds. Subsequent to submission of an application by a Developer to a subrecipient for the use of HOME-ARP funds, there can be no choice-limiting actions on the part of the Developer/owner until environmental clearance is received in the form of an Authority to Use Grant Funds (ATUGF) or environmental clearance letter issued by the Department. The concept of prohibiting "choice-limiting" actions is to prevent the Developer from investing in a Project before all necessary environmental clearances are obtained. Market studies, environmental studies, plan development, engineering or design costs, inspections and tests are not considered "choice-limiting" actions. "Choice-limiting actions" are defined as any activity that would have an adverse environmental impact or limit the choice of reasonable alternatives, such as acquisition by the Developer/owner (or any subsidiary of the Developer), construction, demolition of buildings, or rehabilitation or reconstruction of buildings. Per 24 CFR Part 58.22, failure to comply with the prohibition against committing funds or taking physical action (using either HUD funds or non-HUD funds) before the completion of the environmental review process could result in loss of HUD assistance, cancellation of the Project, reimbursement by the Developer/owner to HUD for the amount expended, or suspension of the disbursement of funds for the affected activity.

- **Federal Labor Provisions (HUD 4010)** - Federal Labor Standards Provisions apply to this project, including:
 - 29CFR-5.5: Minimum wages, frequency of payment, payroll records, and other requirements subject to the provisions of 29 CFR-5.5.
 - Davis-Bacon - Construction will be subject to Davis-Bacon and State of California wage and record-keeping requirements, the Copeland Act, and related acts.
 - Contract Work Hours and Safety Standards Act requirements regarding overtime and related provisions.
- **Accessibility** - Projects will be subject to accessibility requirements under Section 504 of the Rehabilitation Act of 1973.
- Section 3 of the HUD Act of 1968 - compliance requirements of Section 3 of the HUD Act of 1968 (12 U.S.C. 1701u) ("Section 3") are triggered when a Project receives in excess

of \$200,000 of HUD funds for the construction, reconstruction, conversion or rehabilitation of housing, other public construction that includes buildings or improvements assisted with HOME-ARP funds. If Section 3 of the HUD Act of 1968 is triggered for the Grantee, then contractors/subcontractors whose contracts are paid in full or in part with HOME-ARP funds and exceed \$100,000 must also comply with Section 3 of the HUD Act of 1968.

The subrecipient shall require the Developer to:

- 1) Prepare and utilize a Section 3 Plan.
 - 2) Designate a Section 3 Coordinator.
 - 3) Take affirmative steps to follow the Section 3 Plan and document those efforts.
 - 4) Include a Section 3 Clause and the Contractor Certification of Efforts to Fully Comply with Employment and Training Provision of Section 3 in any construction contract in excess of \$100,000.
- **Equal Opportunity** – This project will be subject to federal opportunity provisions and responsibilities, including:
 - Title VI of the Civil Rights Act of 1964: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination based on race, color, and/or national origin under any program or activity receiving federal financial assistance.
 - Title VII of the Civil Rights Act of 1968 (The Fair Housing Act): This act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promote fair housing.
 - Restoration Act of 1987: This act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, Disability or age in a program or activity which does not directly benefit from such assistance.
 - Section 109 of Title 1 of the Housing and Community Development Act of 1974 [42 U.S.C. 53091]: This Section of Title 1 provides that no person shall be excluded from participation (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title 1 of the Act.
 - The Fair Housing Amendment Act of 1988: This act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthen punishment for acts of housing discrimination, expand the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts, and create an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.

- The Age Discrimination Act of 1975: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any State law currently in effect on the same topic.
- Section 504 of the Rehabilitation Act of 1973: It is unlawful to discriminate based on Disability in federally assisted programs. This Section provides that no otherwise qualified individual shall, solely by reason of his or her Disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance. Section 504 also contains design and construction accessibility provisions for multi-family dwellings developed or substantially rehabilitated for first occupancy on or after March 13, 1991.
- The Americans with Disabilities Act of 1990 (ADA): This act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against "a qualified individual with a Disability" in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.
- Executive Order 11063: This executive order provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the federal government.
- Executive Order 11259: This executive order provides that the administration of all federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities throughout the United States.
- The Equal Employment Opportunity Act: This act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings federal, state, and local governments under the Civil Rights Act of 1964.
- The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978: This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal and referral. It is designed to assist employers, labor organizations, employment agencies, licensing and certification boards in

complying with the requirements of federal laws prohibiting discriminatory employment.

- The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002): This act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.
- Executive Order 11246: This executive order applies to all federally assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race.

Proposals will include marketing plans, and prior to commitment shall also demonstrate that the proposed Projects will affirmatively further fair housing and adequate tenant market, which are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard related impacts.

- **Bonding/Insurance** - The contractor completing the construction work will be required to secure a Payment and Performance Bond or a Construction Guarantee and to carry liability insurance for this project. Builders Risk will be required during construction, and commercial property and liability insurance will be required during the affordability period.
- **Cost certification** – A third-party cost certification for this project will be required prior to final payment of funds.
- **Construction** – In all work under this RFP, Developers must adhere to all applicable federal, state and local laws, codes, zoning and other requirements relating to construction, housing safety, quality, and habitability.
- **Eminent domain**: The use of eminent domain is prohibited with this funding.
- **Replacement Reserves**: Developers will be expected to execute a Replacement Reserve Agreement, and to establish and maintain a Replacement Reserve Fund. Developer will be responsible to deposit a minimum of seven hundred and fifty dollars (\$750) per unit per annum into the fund for capital improvements to the property. The City, at their sole discretion, may allow for a smaller amount of replacement reserves if justified by a developer provided, third party, Capital Needs Assessment (CNA).
- **Affordable Rent Restrictions**: Developers must propose rents for the HOME-ARP assisted units that can be shown to be realistic by comparison with other rents for comparable dwelling units in the same neighborhood. Although those rents may be lower than the rents listed below, they cannot be more than the amounts listed below. All rents listed below must be adjusted for any utilities paid by the tenant.

2022 Maximum rent standards (2023 rent limits are not yet out) (Subtract tenant paid utility allowance to determine maximum actual rents)							
Unit size, in number of bedrooms	Efficiency	1 BR	2BR	3 BR	4 BR	5 BR	6 BR
LOW HOME RENT (All HOME-ARP assisted units must be at or below this level)	\$497	\$563	\$738	\$963	\$1075	\$1186	\$1296

NOTE: The rent standards above must be reduced if the tenant pays for utilities. This is because the calculation of these rent standards includes all utilities except telephone. Yet, in practice many utilities (water, heat, air conditioning, cooking gas, etc.) are not included in rents. Utility allowances provide a mechanism for adjusting the maximum allowable HOME rents when the tenant pays some or all utilities.

Developers must use the utility allowance model developed by HUD to calculate tenant paid utilities, and include the completed model in their application. The model, along with instructions and other related data and information is found at the HUD.gov web page.

These utility calculations should then be used to adjust the rents in the pro forma.

- **Tenant Requirements:** The following requirements pertain to the lease of the housing units to eligible tenants:
 - Occupancy by Extremely Low Income Households – All units assisted with HOME-ARP funds in the project must serve Extremely Low Income (ELI) households with incomes at or below eighty percent (80%) of the area median income (AMI), adjusted by household size, as defined below. Income must be calculated using an allowable methodology as outlined in the Technical Guide for Determining Income and Allowances for the HOME Program:

[Technical Guide for Determining Income and Allowances for the HOME Program](#)

2022 Income Calculations (2023 Income Limits are not yet out) for Richland County, OH								
Household Size	1-person	2-person	3-person	4-person	5-person	6-person	7-person	8-person
30% AMI	15,600	18,310	23,030	27,750	32,470	37,190	41,910	46,630

- **Qualifying Populations restrictions:** In addition, HUD requires that HOME-ARP units serve a Qualifying Population as defined in CPD Notice 21-10 as follows.

1. **Homeless**, as defined in 24 CFR 91.5 Homeless (1), (2), or (3):

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or 4 (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

2. **At risk of Homelessness**, as defined in 24 CFR 91.5 At risk of homelessness:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have enough resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition in this section; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as “homeless” under this section but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

3. **Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**, as defined by HUD.

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

Domestic violence, which is defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:

- 1) A current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship);
- 2) A person with whom the victim shares a child in common;
- 3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- 4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOMEARP funds; or

5) Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence which is defined in 24 CFR 5.2003 means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Sexual assault which is defined in 24 CFR 5.2003 means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking which is defined in 24 CFR 5.2003 means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's individual safety or the safety of others; or
- 2) Suffer substantial emotional distress.

Human Trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102). These are defined as:

- 1) Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- 2) Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

4. **Other Populations** where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

(1) **Other Families Requiring Services or Housing Assistance to Prevent Homelessness** is defined as households (i.e., individuals and families) who have previously been qualified as “homeless” as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.

(2) **At Greatest Risk of Housing Instability** is defined as household who meets either paragraph (i) or (ii) below:

(i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs);

(ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

- **Affordability Period:** HOME-ARP assisted units must meet the affordability requirements, including affordable rents and occupancy by income eligible tenants as described elsewhere in this document. These restrictions will be imposed for the period of twenty (20) years, following project completion and close out. Affordability requirements apply regardless of the term of any loan or mortgage or the transfer of ownership. They will be imposed by a Written Agreement recorded in first lien position. The City will also conduct monitoring and inspections and will require recordkeeping and reporting requirements throughout the affordability period.
- **Affirmative Marketing Plan:** Prior to the commitment of funds (but not required for at the time of proposal submission for this RFP), HOME-ARP projects must submit an Affirmative Marketing Plan developed using the Affirmative Fair Housing Marketing Plan Form HUD-935.2A. Affirmative Marketing involves special outreach and advertising efforts designed to communicate the availability of HOME-ARP assisted housing to those groups or individuals who might otherwise be unlikely to apply. Those groups are identified through analysis of local housing market area demographics using statistics readily available from the U.S. Census Bureau and determining appropriate advertising and outreach efforts to be followed by Developers to reach out to those least likely to apply for the housing opportunity. Affirmative marketing efforts must begin at least 90 days prior to initial occupancy for new construction projects.
 1. Developers shall download [Form HUD-935.2A](#).
 2. Review the form and its instructions.
 3. Identify the Census Tract where the housing is located.
 4. Determine the Census Tract(s) that comprise the Housing Market Area (generally multiple Census Tracts comprising a Town or portion of a County). Develop a map to represent this market area. CPD Maps may be used for this purpose.
 5. Determine the Census Tract(s) that comprise the Expanded Housing Market Area (generally multiple Census Tracts that comprise an entire County and often areas that extend beyond jurisdictional boundaries).
 6. Using CPD Maps or U.S. Census Bureau data, complete Form HUD-935.A Worksheet 1, listing the number of residents in each category (existing Project residents if applicable, Project wait list applicant data if applicable, residents of the Census Tract, residents of the designated Housing Market Area, and finally residents of the Expanded Housing Market Area).
 7. Based on the data evaluation in Worksheet 1, to identify any under- representation of certain demographic groups in terms of race, color, national origin, religion, sex,

familial status, or Disability. If there is significant under- representation of any demographic group among Project residents or current applicants (for existing housing) in relation to the housing/expanded housing market area, then targeted outreach and marketing should be directed towards these individuals least likely to apply. To identify underrepresented groups least likely to apply for housing in newly constructed Projects that do not currently have existing occupants or waitlists, evaluate the Census Tract data against the Housing Market Area and the Expanded Housing Market Area to identify underrepresented groups in the Census Tract. Note that individuals and families that were impacted by the disasters and Section 8 Housing Choice Voucher holders shall be considered among those who are under-represented and least likely to apply.

8. Worksheet 2 shall not be used. Residency Preference Areas shall not be established for DR-MHP Projects.
 9. Complete Worksheet 3 to identify each targeted underrepresented population and the specific community contacts to be consulted for the purpose of effectuating Affirmative Marketing. To reach out to individuals and families that were impacted by the disasters and to Section 8 Housing Choice Voucher holders, the AFHMP shall, to the extent feasible, identify non-profit caseworkers who were on the ground during the disaster, contact area public housing agencies, advertise through TV, Radio, Newspapers, Billboards, 211 system. Within the interest list and application, data shall be collected to determine if a prospective applicant was impacted by the disasters or is a Section 8 Housing Choice Voucher holder.
 10. Complete Worksheet 4 to identify appropriate advertising methods (publications, outlets) for each targeted population.
 11. Review and update the AFHMP every five years, or when there are significant changes to the demographics of the Project or the local housing market area.
- **Deadlines:** Developers that receive HOME-ARP funds must take title (in the case of acquisition) and have a fully executed construction contract for at least fifty percent (50%) of funded properties within sixty (60) days of the signing of the Written Agreement. Projects must have City approved milestones associated with the acquisition, development, and lease-up of the units, and demonstrate progress toward this deadline by reaching milestones on the approved schedule. Developers responding to this RFP will provide a timeline in the form of a milestone chart. While it is important that the timeline reflect efficient project progress in order to get full points through the scoring process, it is equally important to note that Developers can expect to be held to the timeline that they lay out. **Due to Federal deadlines, projects that do not reach milestones in a timely manner will be subject to rescission of HOME-ARP funding.**
 - **Reporting:** Each funded Developer will be required to collect and report information about the organization(s) responsible for oversight over the development and

management of the property, including, but not limited to an audited annual financial statement within ninety (90) days after the end of the Developer's fiscal year. The audit must be submitted annually throughout the life of the HOME-ARP project.

Each funded Developer will be expected to collect and report information about the uses of funds throughout the development of the project, including, but not limited to:

- Annual certified rent-roll within thirty (30) days of the project's fiscal year end;
- Operating budget comparing actual to projected income/expenses prepared by Developer and property manager sixty (60) days prior to the project's fiscal year end;
- Annual Section 8 (HQS) inspection report;
- Annual re-certification of tenant income.
- Monthly lease status and rental amount for each property during initial lease up.
- Other data needed to support HUD reporting requirements and performance measures
- Tenant income, household composition & other information required to document eligibility

Failure to submit such reports can be cause for withholding HOME-ARP funding draws or required repayment of HOME-ARP funds.

Additional project/program requirements will be outlined in the Written Agreement following the selection of projects. Developers of projects must notify the City concerning any material changes in the project including, but not limited to, a change in property management, organization staffing, any actions or impending actions against the property, changes in ownership, etc.

- **Non-compliance/Recapture Requirements:** In compliance with Federal regulations, Developers may be required to repay all, or a portion of, HOME-ARP funds received in the event of non-compliance. Reasons for recapture include, but are not limited to:
 - The Developer does not comply with the terms of the Loan Documents;
 - The funded project fails to meet Affordable Unit requirements during the loan term;
 - HOME-ARP funds are used for ineligible activities or costs; or
 - Funds remain undisbursed after the project is completed or beyond the expenditure deadline.

V. Other Required Signed Forms (see Exhibits at end of document)

- A. Lobbying certification
- B. Conflict of Interest
- C. Section 504 Certification

Applications must be complete upon submission and must be submitted to the Community Development Administrator.

Developers shall submit one electronic copy of the signed application and all required application materials **via email**, at the address provided below. A return email confirming receipt, and noting the time of receipt, shall be provided to the email address from which the proposal application originated.

Applications should be addressed to:

Adrian Ackerman
Community Development and Housing Director
City of Mansfield
aackerman@ci.mansfield.oh.us

Projects will be awarded based upon the overall strength of the application and project, as determined through the project review and underwriting process. The City reserves the right to request additional information or documentation at any stage during the process, to request that changes be made to a proposal, to fund portions of any given proposal, and/or to choose not to fund any or all proposals. The City also reserves the right to change the funding requirements or amount of a given proposal prior to closing, at its sole discretion. Developers will be expected to respond and comply with any additional requests in a timely manner. Failure to provide requested information on a timely basis will result in a proposal being deemed non-responsive and ineligible for further consideration.

If a Developer wishes to appeal the award process, their appeal must be made in writing within 5 calendar days of notification by the applicant developer that they are not in receipt of an award. They must include the following in their written appeal:

- The name, address, telephone number, and email address of the party appealing the decision.
- A detailed and specific statement of the factual grounds for the appeal.
- The form of relief requested.
- The signature of the authorized representative of the appealing party.

The City will review all appeals, and a final decision will be made by them, at their sole discretion. They will provide a written response within five calendar days of receipt of an appeal.

Successful projects will be provided a conditional reservation letter, along with a list of conditions to be met prior to commitment of funds. Legal documents will include, but not be limited to a commitment agreement, a mortgage, a note, a regulatory agreement, and a replacement reserve agreement.

HOME-ARP Rental Project Developer RFP Checklist**List of everything to be submitted with the application for project funding**

- Cover Letter (*I on page 13*)
- Application (*IIA on page 13*)*
- Development Team Table (*II B on page 13*)*
- HUD Utility Allowance Model (*IIC on page 13*)
- HOME-ARP Rental Development Pro Forma (*IID on page 13*)*
- Narrative on Organization Information and Capacity (*IIIA-H on page 14-16*)
- Reference contact information from past clients (*IIIA on page 14*)
- Resumes for all staff and partners (*III B on page 14*)
- Copies of current financial statements and recent audits (*IIIF on page 15*)
- Site map with cross streets and a North arrow, site photos, plans, specifications, and related documents (*IVA1 on page 16*)
- Evidence of site control (*IVA2 on page 16*)
- Project development milestone chart (*IVA7 on page 17*)
- Phase I Environmental Site Assessment (*IVA9 on page 17*)
- Project/Property Information Narrative (*IVB-E on pages 17-19*)
- Signed Lobbying Certification (*V1 on page 36*)
- Signed Conflict of Interest (*V2 on pages 37-38*)
- Signed Section 504 Certification (*V3 on page 39*)

* *Separate attachment to RFP.*

Optional at application stage, but needed for readiness to proceed points. Required before execution of Written Commitment Agreement

- Letters of Commitment from partners or partnership agreements (*IIIB on page 14*)
- Contract with building contractor (*IIIB on page 14*)
- Evidence of proper zoning for the site (*IVA3 on page 16*)
- Appraisals for all project property (*IVA4 on page 16*)
- Documentation from the local building official attesting that the project has all necessary approvals to be issued a building permit (if fully entitled or has a completed application) (*IVA5 on page 17*)
- Section 106 clearance, as applicable (*IVA5 on page 17*)
- Market study (*IVA8 on page 17*)
- Documentation of funding and investor commitments (*IVE on page 19*)
- Affirmative marketing plan - HUD935 (*IVC1 on page 30*)

Additional requirements for City Approval

Additional terms and conditions will be provided to the selected project(s) by the City of Mansfield in the form of a Conditional Reservation Letter. Any additional documents required by the City detailed in the Conditional Reservation Letter must be provided prior to commitment and closing. The contents of this RFP and all provisions of the successful proposal(s) may be incorporated, either in whole or in part, into a developer commitment agreement and become legally binding when approved and executed by both parties.

HOME-ARP Program Mandatory Acknowledgement “Lobbying Certification”

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies that to the best of his or her knowledge and belief.

(1) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an office or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Division 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$1,000,000 for each such failure.

WITNESSES:

SUBRECIPIENT, CONTRACTOR OR SUBCONTRACTOR:

1. _____ Signature: _____

2. _____ Title: _____

Date: _____

City of Mansfield HOME-ARP Program Mandatory Acknowledgement “Conflict of Interest”

The City of Mansfield is required by HUD to include a Conflict of Interest clause in all contracts. Please be aware that these requirements will apply if you are awarded a contract with the City of Mansfield.

The Contractor warrants that its participation in this contract will conform to the requirements of all applicable HOME-ARP regulations including Sections 84.42, 85.36 and 570.611 of Title 24 of the Code of Federal Regulations, and further warrants that such participation will not result in any organizational conflict of interest. Organizational Conflict of Interest is defined as a situation in which the nature of work under this contract and the Contractor’s organizational, financial, contractual or other interests are such that:

- Award of the contract may result in an unfair competitive advantage; or The Contractor’s objectivity in performing the contract work may be impaired.
- In the event the Contractor has an organizational conflict of interest as defined herein, the Contractor shall disclose such conflict of interest fully in the submission of the proposal and/or during the life of the contract.
- The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the City of Mansfield, which shall include a description of the action which the Contractor has taken or intends to take to eliminate or neutralize the conflict. may, however, terminate the contract if it is in the best interest of the City.
- In the event the Contractor was aware of an organizational conflict of interest before the award of this contract and intentionally did not disclose the conflict to the City, the City may terminate the contract for default.
- The provisions of this clause shall be included in all subcontracts and consulting agreements.
- No federal, state or local elected official, nor any employee of the City of Mansfield, nor any corporation owned or controlled by such person, shall be allowed to participate in any share or part of this contract or to realize any benefit from it. This provision shall be construed to extend to this contract if made with a corporation for its general benefit.
- No member, officer, or employee of the City of Mansfield, no member of the governing body of the City of Mansfield or any other local government and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, shall, during his or her tenure, or for one year thereafter, have any interest, direct or indirect, in this contract or the proceeds thereof.
- The City reserves discretion to determine the proper treatment of any conflict of interest disclosed under this provision.

Witnesses:

Sub-recipient, Contractor, or Subcontractor:

1. _____ Signature: _____

2. _____ Title: _____

Date: _____

**Section 504 Program Certification Form
(Housing & Construction Projects)**

(Completed form to be submitted at time of application)

The City of Mansfield, under regulations from the U.S. Department of Housing and Urban Development (HUD), requires that each applicant for federal funds sign the "Section 504 Certification Form" which indicates the subrecipients (authorized official for the respective organization) acceptance to:

1. Comply with all applicable regulations,
2. Incur all costs required for compliance with the applicable regulations,
3. Be subject to City of Mansfield and HUD monitoring for compliance, and
4. Accept any applicable penalties for noncompliance.

Signature and Certification:

The undersigned certifies to the City of Mansfield that it has read and understands all of its obligations under Section 504 requirements. The undersigned acknowledges that this certification will be relied upon by the City in its review and approval of proposal for funding and any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in programs administered by the City of Mansfield.

Name and address of Project

Applicant (Organization Name)

_____ Date _____

Applicant Signature

_____ Date _____

Architect/Engineer signature (If applicable)

