

**City of Alameda
HOME Investment Partnerships Program (HOME)
Housing Development

FY 2022-23 REQUEST FOR PROPOSAL**

FUNDING PERIOD: July 1, 2022 – June 30, 2023

BASIC APPLICANT REQUIREMENTS:

- Applicants must be an eligible City department, public agency, or a qualified 501(c) (3) non-profit organization.
- All applicants must submit the latest certified financial audit of their organization including any management letters for applicable organization Fiscal Year.
- Non-profit organizations must submit evidence of current nonprofit status and an up-to-date roster of their Board of Directors.

PROGRAM ELIGIBILITY: Program must benefit very low- and low-income persons/households meeting no greater than 50% of Area Median Income (refer to Income Limits).

AVAILABLE FUNDS: Approximately \$500,000

PROPOSALS DUE: **5pm on February 10, 2022**
Late and Incomplete applications will not be considered for funding. No Exceptions

TO APPLY: See attached funding guidelines and proposal requirements

Funding Guidelines

Funding Availability. July 1, 2022 is the earliest that FY 2022-23 funds will be available; a funding agreement will be executed between the agency/organization and the City following Council approval and all other requirements have been met. Funds will be structured with a 15 - 55 year loan term at 3% simple interest paid from residual receipts.

Application Review Process. Applications will be reviewed by the City staff against priorities and criteria. Staff will formulate preliminary recommendations.

The City Program Administrator will present the recommendations to City Council for approval in May 2022. Actual funding amounts may not be known and that time and, if so, will be updated after Alameda County has announced allocations for each City.

Eligible Activities:

- New Construction
- Housing Rehabilitation
- Acquisition
- Site Improvements
- Demolition
- Relocation
- Rental Housing Production
- Special Needs Housing

HOME-Required Local Match and Affordability Covenant. HOME investment in any project is required to be matched 25% with non-federal forms of subsidy. The provision of affordable housing is seen as a partnership, and, as such, non-federal financial leveraging from local, state and other sources must be committed. Leveraging City funds from other sources will be an important consideration in any funding recommendation. You will be responsible for negotiating a non-federal match contribution from the jurisdiction in which your project is located and/or from other sources.

The match requirement can be met with:

- Cash invested permanently in the project (from local jurisdiction or foundation grant);
- Value of waived taxes, fees or charges;
- Value of land or real property donated or provided at less than appraised value;
- Cost of infrastructure improvements associated with HOME projects;
- Present value of deferred income stream on below market rate or deferred loans;
- Cash value of donated materials and labor;
- Cash value of donated professional services; and/or
- On-site Supportive services;

Owner equity/owner cash contribution will not count toward the HOME match required for HOME-funded projects. An affordability deed restriction or covenant will be recorded against the property. This covenant will have an affordability term of a minimum of 20 years for new construction and 15 years for housing rehabilitation.

Community Housing Development Organization (CHDO). As a HOME Jurisdiction, the County is required to set aside at least 15% of annual HOME allocations for CHDO-owned, -sponsored, or -developed housing projects. CHDOs requirements are enumerated in Section 92.2 of the HOME Investment Partnerships Program regulations (24 CFR Part 92). CHDOs are required to re-qualify each time they apply for HOME funds. Whether new or an existing CHDO, if you are applying for CHDO funds, please submit the CHDO Certification Form which can be obtained from the City Program Administrator.

Project Completion and Occupancy Deadlines:

HOME projects must be completed within four years of commitment. Any project that is not completed timely will be terminated and Developer will be required to repay HOME funds drawn. [*§92.205(e)(2) as updated by 78 FR 44667*]

HOME-assisted rental units must be occupied by income-eligible households within 18 months of project completion; if not, Developer must repay HOME funds for the vacant units. Note, for units that remain vacant six months following completion, the applicant must identify and develop an enhanced marketing plan and report this information to HUD. [*§92.252*]

State and federal requirements:

Applicants are required to ensure programs and projects development are in compliance with all the state and federal regulations governing this funding. Those to be considered in completing your application are highlighted below and on the following pages.

Property Standards. At a minimum, housing that is assisted with City Housing funds must meet federal housing quality standards. Newly constructed or substantially rehabilitated housing must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances. Newly constructed housing must meet energy efficiency standards of the current edition of the Model Energy Code published by the Council of American Building Officials. Substantially rehabilitated housing must meet the cost effective energy conservation and effectiveness standards set forth in 24 CFR part 39. Title 24 of the California Energy Code meets the above requirement.

In all new construction and substantial rehabilitation projects, Section 504 of the Federal Rehabilitation Act requires at least 5% of the HOME-assisted units must be accessible to individuals with mobility impairments and an additional 2% to individuals with sensory impairment.

Physical needs assessment. Pursuant to 24 CFR §92.251, housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes and rehabilitation standards at the time of project completion. Projects involving rehabilitation must do sufficient rehabilitation to ensure the long-term viability of these projects. Rehabilitation applicants shall submit a third-party physical needs assessment.

Annual monitoring fees. Pursuant to 24 CFR §92.214(b)(1)(i), participating jurisdictions, such as the state HOME Program, will charge fees to cover the cost of ongoing monitoring and physical inspection of HOME projects during the state period of affordability.

Federal Labor Requirements

Projects receiving HUD funds may be subject to federal labor requirements in the construction activity:

Federal Requirements	Requirements	Threshold (applies to Prime & Subcontracts)
Davis-Bacon – HOME-funded projects	Payment of prevailing wages to on-site construction workers (laborers & mechanics). Identification of the applicable wage decision number and provision of weekly certified payrolls are required.	12+ HOME-assisted units will trigger this requirement regardless of the amount of HOME funds invested in a project.
Section 3	Good faith efforts to hire qualified local low-income residents and/or businesses. A public housing resident in the County of Alameda will meet this requirement. This is applicable only if the project construction generates new hires. Goals: offering 30% of new employment opportunities to Section 3 residents; awarding 20% of contract activity to Section 3 businesses.	Construction contract in amounts greater than \$100,000 will generate this requirement if CDBG/HOME funds in excess of \$100,000 are invested in construction contract activity.
Minority or Women-owned Business Enterprise	Good faith efforts to hire/contract with minority and women-owned businesses; includes subcontracts.	Any prime or subcontract of \$10,000+.

The monitoring of prevailing wage for capital projects can be time-consuming and expensive. The cost of monitoring and reporting of the Davis-Bacon required activities may be handled by a third party retained by the City as needed and would be charged to your project and netted out of the amount allocated to your project.

Environmental Review Process. Federal regulations require local jurisdictions to prepare a NEPA (National Environmental Protection Act) environmental review determination for every activity funded with federal funds to examine environmental impacts on the built and natural environment. An executed HUD Authority to Use Grant Funds (AUGF), HUD Form 7015.16, must be included within the application materials, if available. Applications without an AUGF will be required to complete the environmental review process before entering into contract with the City. **For complex projects, including most rehabilitation projects, this review may take approximately 6 to 16 weeks.** If environmentally significant conditions are found and/or mitigation measures required, the time to complete the environmental review process will be extended.

Acquisition. If you are requesting funds for real property acquisition, the purchase agreement/option should allow for sufficient time for the performance of required HOME activities. A recent appraisal and preliminary title report should be attached to the application if you are already under an agreement or option for the property. If an appraisal is not available, please submit one as soon as is practical (not later 30 days after application due date). An appraisal will also be required if the project involves acquisition even if you do not intend to use our funds for this purpose.

If the acquisition price is significantly higher than appraised value, the City may reject the application or deny the funding unless the price can be negotiated reasonably close to the appraised value, or the applicant can provide a justification for the difference.

Hazardous Materials. It is HUD policy, as described in §50.3(i), that "(1)... all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. (2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards..." Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste and fill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

Lead Mitigation Requirement. HUD requires that certain housing projects built before 1978 will need to meet lead-mitigation standards. These include activities involving housing rehabilitation, tenant-based rental assistance, acquisition, leasing, support services, and operations. Housing exclusively for seniors or persons with disabilities is exempted, unless a child under age 6 is expected to reside there. Also exempted are 0-bedroom dwellings, including efficiency apartments, single-room occupancy structures (SROs), or rentals of individual rooms in residential dwellings.

Accessibility Requirements. Federal law requires that housing and non-housing developments and programs assisted with federal funds comply with accessibility requirements under Section 504 of the Rehabilitation Act of 1973. This Act prohibits discrimination against otherwise qualified handicapped persons in the provision of programs, facilities and employment supported by Federal funds. For capital projects, the Department of Housing and Urban Development may ask that developers and their architects sign a certification that their construction documents meet the federal accessibility requirements.

In the case of multifamily rental housing, projects of five or more units must be designed and constructed to be readily accessible to and usable by persons with disabilities. For new construction involving five or more units, and substantial rehabilitation projects of 15 or more units (with substantial rehabilitation defined as rehabilitation costs representing 75 percent or more of the replacement costs of the completed facility), the following requirements must be followed - a minimum of 5 percent of the dwelling units must be accessible to individuals with mobility impairments and an additional 2 percent accessible

to individuals with sensory impairments. At the minimum, one unit shall be made accessible to mobility-impaired individuals and one unit accessible to sensory impaired individuals.

When less than substantial rehabilitation is undertaken in multifamily rental housing projects of any size, these alterations must, to the maximum extent feasible, make the dwelling units accessible to and usable by individuals with disabilities, until a minimum of 5 percent of the dwelling units (but not less than one unit) are accessible to persons with mobility impairments; for this category of less than substantial rehabilitation, the additional 2 percent of the units for persons with sensory impairments does not apply. Also for this category of rehabilitation, if undertaking accessibility alterations imposes undue financial and administrative burdens on the operation of the multifamily housing project, the alterations are not required.

The project sponsor and their architect will be required to execute a certification of compliance which identifies the specific units meeting these requirements.

Fair Housing. All housing, regardless of whether funded with federal funds or not, must comply with the Fair Housing Act, which prohibits discrimination in housing practices on the basis of race, color, religion, sex, and national origin. This Act also applies in the sale and/or rental of housing for families with children and persons with disabilities. This Act further establishes requirements for the design and construction of rental or for-sale multifamily housing to ensure a minimum level of accessibility for persons with disabilities. For units designed and constructed for first occupancy after March 13, 1991, the units, including public and common areas, must be designed and constructed in accordance to meet certain disability standards. The Act makes a distinction between “covered” and not “covered” dwelling units. Covered multifamily dwelling units are: units in buildings consisting of 4+ units served by one or more elevators, or ground floor dwelling units in other buildings with 4+ units.

Demographic Data on Project/ Program Beneficiaries. If your project – housing or non- housing - is funded, you will be required to provide certain demographic data depending on your particular type of project. The required data may include: client household income, client racial/ethnic background, and head of household information. HUD requires demographic reporting in a variety of categories including but not limited to race/ethnicity. The City will provide you with required reporting forms.

Relocation. If your capital project either temporary or permanent displacement of tenants and/or homeowners you may have to pay relocation expenses under either the Uniform Relocation Act (URA) or Section 104(d) of the Housing and Community Development Act. These costs can be substantial and must be included as part of your total project costs. Relocation costs are an eligible activity under HOME. While relocation costs are eligible activities under the funding provided by this NOFA, your application will be reviewed for your ability to obtain other sources of funding to support your various costs, including relocation. If you think your project may involve relocation, please contact the City’s HOME Administrator to discuss relocation issues and applicable federal requirements. Relocation assistance and payments for eligible persons under Section 104(d) or the URA both require a rental assistance payment based on a period of several months – 42 months under URA and 60 months under Section 104(d).

Funding on Reimbursement Basis. The City of Alameda has a strict policy of not providing funding advances before project costs are incurred and paid. The City normally funds on a reimbursement basis. Reimbursement is made only upon completion and payment of incurred costs.

In cases where it is not possible for the project sponsor to advance the project costs and then seek reimbursement, direct payment can be made to a third party after certification from the project sponsor that work has been satisfactorily completed and accepted.

For acquisition projects, the portion of City funds for acquisition costs is deposited directly into escrow with instructions for release upon satisfactory completion of escrow requirements.

Timely Use of Funds. If funds are awarded to your project, the funds should be obligated (under contract) by **March 2023**. If the funds have not been obligated by that date and the delay is not the result of the City, the Program Administrator will review the project status and make a recommendation to the Community Development Director on whether the funding commitment for your project should be extended for one year; this is not automatic, and must be justified by the project sponsor. The project sponsor may make up to two requests for a one year extension.

Financial Audits. Project applicants that are either non-profits, public agencies or cities are required to submit a copy of the most recent year's certified financial audit prepared by an independent CPA firm, including any management letters, of their organization or city. Annual submission of yearly financial audits reports will also be required during the term of the financing or funding agreement. If your agency has expended \$750,000 or more of federal funds from any source in the audited year, the audit should include a "single audit" and be in compliance with Uniform Guidance 2 CFR Part 200, depending on if your entity is a nonprofit organization or public agency. If project applicants have not expended \$750,000 or more of federal funds from any source in any one year, they must attach a certification attesting to this fact.

Background of Nonprofit Organizations. All nonprofit organizations or other agencies applying for funds must meet the following requirements:

- **Governing Body** - Governing body of the organization should be vested in a responsible and active voluntary or elected board which meets at least quarterly and establishes and enforces policy. The governing body should be large enough and so structured to be representative of the community it serves.
- **Personnel/Staffing** - The organization must provide for adequate administration of the project development or activities requested for funding under this NOFA. At a minimum one person should be designated the full-time director of the organization.

Designated Person to Execute Documents. Once an agency/organization has been approved for funding, the City must know who has been authorized by the nonprofit's governing body to execute all necessary documents related to the funding. Agencies should submit a copy of the Board action designating a person responsible for executing all documents related to the funding. This may be combined with the action by the

nonprofit or agency board that specifically authorizes the agency to make an application for funds.

Equal Benefits Compliance. This is required of any party entering into contract with the City, in which the City is to provide \$5,001 or more, must offer equal benefits to their employees. Domestic partners of employees are required to receive benefits equal to those received by spouses of employees.

Debarment. Housing & Community Developments Act of 1974, 24 CFR Part 5 provides that assistance shall not be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any Contractor or sub-recipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR part 24. This provision covers all Contractors and sub-recipients, as well as subcontractors of Contractor or sub-recipient, whose names are included in the “List of Parties Excluded from Federal Procurement and Non-Procurement Programs.” The debarment list can be found on-line at www.sam.gov.

GENERAL INFORMATION

- All proposals will be evaluated for completeness and accuracy. Work plans must be reasonable and efficient.
- Submit a an electronic copy of the application and all attachments to the City’s Program Administrator at: lfitts@alamedaca.gov by **5pm on February 10, 2022**

PLEASE NOTE: Due to the size of files, it is highly recommended that applicants provide a link to a shared, cloud-based folder, such as Dropbox. If documents are submitted as an attachment by email, please send a follow up email without any attachments to confirm receipt.

PROPOSAL SUBMISSION REQUIREMENTS

- ☐ Section 1: Cover Sheet (Attached Form Required)
- ☐ Section 2: Project Description (Narrative)
- ☐ Section 3: Site Plan & Flood Map
- ☐ Section 4: Site Control Documentation
- ☐ Section 5: Project Timeline (Development, Financing, Construction And Lease-Up)
- ☐ Section 6: Construction and Permanent Funding Sources
 - Pro Forma
 - Letters of Credit/Funding for ALL funding Sources
- ☐ Section 7: Organizational Checklist
- ☐ Section 8: Required Supportive Documentation

Please refer to the following pages for more detailed information about the required submission documentation.

If submitting a shared folder, please save the documents using the following naming, section number - item. For example, the cover sheet would be “1 – Cover Sheet” and the flood map would be “3 – Flood Map.”

PROPOSAL COVER SHEET

AGENCY/FISCAL SPONSOR INFORMATION

Organization			
Address, City & Zip			
President, CEO or Executive Director		Phone:	
		Fax:	
Email			
Board President			
DUNS #			
Primary Function & Services			

Name, Address and Telephone of person authorized by board to sign and designated to authorize agents (if different from Executive Director):

PROPOSED PROJECT INFORMATION

Project Name					
Project Address					
Applicant Name					
Contact Name		Phone:			
		Fax:			
Email					
Address, City & Zip					
Target Population					
Total # Units		Studio:	1 br:	2 br:	3br:
Total # HOME Units	Proposed				
Total City of Alameda HOME Funds Requested for FY 2022-23					

Submitted by: _____ Date: _____

PROJECT SCOPE / NARRATIVE DESCRIPTION

Project Description: Provide a description of the development, including but not limited to the type of development, proposed tenant population, any on-site services, etc. (max 2 pages).

SITE PLAN & FLOOD MAP

Site Plan: Please provide a site plan.

Floodplain: Please provide a flood map with the location identified. Maps can be found at: <https://msc.fema.gov/portal/home>

SITE CONTROL DOCUMENTATION

Site Control: Please provide evidence that the land has been purchased or leased by the applicant or its affiliate. The evidence shall include a recorded grant deed, lease agreement or preliminary title report.

PROJECT TIMELINE

Timeline: Include an outline of each phase of the project and a timeline with major milestones.

Readiness: Please describe the readiness to proceed concerning whether or not land use issues have been resolved, what pre-development activities have been completed, and if architectural plans have been completed. All projects will be subject to a HUD Environmental Review before any part of the project can begin.

Please specifically address whether there is any pending litigation or any reason why the project may not be completed within the proposed timeline.

CONSTRUCTION AND PERMANENT FUNDING SOURCES,

Project Pro Forma: Please provide a project pro forma including but not limited to construction sources, development budget, and permanent sources and uses.

Finance Plan/Commitments: Please provide a complete project financing plan and attach evidence of financing commitments. If local government financing is allocated but not yet committed, a letter from the local government should be included. If the project is financed or planned to be financed with low-income housing tax credits, a copy of the Tax Credit Application spreadsheet and the TCAC preliminary reservation letter will satisfy this application requirement. Preference will be given to projects that demonstrate readiness and have a high percentage of committed funding.

ORGANIZATIONAL CHECKLIST

Organization Name: _____

Please read question and check yes or no.	YES	NO
TRACKING CLIENT DATA		
Does your agency have a system for recording information necessary to determine number of clients served and to track demographic information?		
Does your agency have a system for quarterly recording the following data: Number of clients screened for potential eligibility Number of clients served Number of clients denied Number of clients who exit from the program, including their reason for leaving, as well as their destination Number of clients on the active waiting list		
SELECTION AND MONITORING PROCEDURES		
Does your agency have a written tenant selection policy and criteria to be used for selecting families for rental assistance?		
Does your agency have a system to approve leases between property owners and tenants that ensures those leases contain certain provisions to protect tenants' and other participants' rights?		
Does your agency have a system for verifying initial and annual inspections to ensure units comply with Housing Quality Standards?		
Does your agency have a procedure to confirm tenants' incomes meet low-income household targets?		
Does your agency have a review process to ensure reasonable rental payments?		
FINANCIAL POLICIES AND PROCEDURES		
Does your agency have a system for recording and storing financial data and documents?		
Does your agency have a method for comparing expenditures with budgeted amounts?		
Does your agency prepare an annual audit or financial report?		
Does your agency have any outstanding audit or monitoring findings?		

PROVISIONS FOR PERSONS WITH DISABILITIES

If any person with an interest in participating in the aforementioned federal program is a person with a disability as defined by Section 504 of the Rehabilitation Act of 1974 and requires an accommodation to participate or take interest, a request for accommodation may be made to Lisa Fitts at (510) 747-6884, (510) 522-7538 (TTY) or by email at lfitts@alamedaca.gov. Such request shall include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation. Any request for accommodation shall be reviewed and a response provided within five business days of receipt of such request. Notice of any accommodation granted will be promptly provided to the requester.

PROVISIONS FOR NON-ENGLISH SPEAKING RESIDENTS

The City of Alameda has a network of employees speaking some 45 languages who can act as interpreters for residents seeking information regarding the aforementioned federal program. If notified two business days in advance, the City will arrange to have an interpreter available. Please contact Lisa Fitts at (510) 747-6884, (510) 522-7538 (TTY), or by email at lfitts@alamedaca.gov.

NON-DISCRIMINATION POLICY

The City of Alameda does not discriminate against any persons on the grounds of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, marital status, familial status, source of income, genetic information, medical condition, physical disability or mental disability, or any other category protected by law.

