

Affordable Housing Funding Notice



Oregon Housing and Community Services

NOTICE OF FUNDING AVAILABILITY (NOFA) # 2020-10

Affordable Housing Portfolio Stabilization COVID-19 Response Fund

~~NOFA Issued Date: **October 16, 2020**~~

~~Electronic Access Due Date: **November 3rd, 2020 4:00 PM PST**~~

~~Final Application Due Date: **Nov 6, 2020 4:00 PM PST**~~

NOFA Re-Issued Date: **November 16, 2020**

Electronic Access Due Date: **November 30th, 2020 9:00 AM PST**

Final Application Due Date: **Nov 30th, 2020 4:00 PM PST**

Version 2.0
www.oregon.gov/ohcs



725 Summer St. NE Suite B, Salem, OR 97301-1266 | (503) 986-2000 | FAX (503) 986-2020

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1. Introduction

1.1. Purpose:

The Oregon Housing and Community Services Department (“OHCS”) is seeking Applications (“Applications”) in this Notice of Funding Availability (“NOFA”) for the loaning of resources to support the operations of Publicly Supported Housing (as hereinafter defined) project Applicants with repayment conditional on the settlement of outstanding rental arrearages due to the COVID-19 pandemic. The intent of this NOFA is to ensure the ability for those projects to continue to operate as well as assisting with the stabilization of households living in OHCS funded Publicly Supported Housing. The primary source of funding under this NOFA comes from the Federal CARES Act allocation to Oregon, but may include additional state resources as necessary.

As the first offering of these resources was under-subscribed by nearly \$15 million, this NOFA is being re-opened on November 16, 2020. In this second opening of the NOFA, applications will be reviewed on a first-come first served basis. All applicants must meet NOFA parameters and pass administrative review, however they will not be competitively scored against the detailed criteria within this NOFA.

1.2. NOFA Funding, Loan Terms, Process and Eligibility:

1.2.1. Funding and Set-Asides:

This NOFA is to allocate \$20 million in federal Coronavirus relief funds; if over-subscribed up to an additional \$6 million in state gap fund resources may be added at the discretion of OHCS. If the additional resources are added, they will be added proportionally to the set-aside groups.

These funds are allocated to the following set-aside groups. If any set-aside is not fully subscribed, the balance of resources will be moved proportionally into the remaining set-aside categories.

1. Set-asides for this NOFA are:
 - a. Culturally Specific Organizations (as hereinafter defined) Applicants, or projects that have dedicated units for agricultural workers.
 - a. \$7,000,000
 - b. 50 percent target for agricultural worker housing
 - c. Leverage ratio of \$1 for every dollar of rent arrearage
 - b. Non-Profit Applicants, or Small Portfolio (as hereinafter defined) Applicants.
 - a. \$3,000,000
 - b. 50 percent target for projects located in rural areas
 - c. Leverage ratio of \$1 for every dollar of rent arrearage
 - c. Open Competitive resources
 - a. \$10,000,000
 - b. 50 percent target for projects in rural areas
 - b.c. Leverage ratio of 90 cents for every dollar of rent arrearage

1.2.2. Loan Terms:

- 0 percent interest

- Loan repayment due no later than March 31, 2021 (the “Maturity Date”); extensions must be requested 30 days in advance of the Maturity Date and demonstrate need.
- Required project-level eviction prohibition for nonpayment of rent through the end of the month loan is satisfied.
- Loan may be satisfied through:
 - direct repayment OR
 - through elimination of tenant arrearages documented to the satisfaction of OHCS and an extension of the eviction prohibition for nonpayment of rent through March 31, 2021.

1.2.3. Application Ranking Process:

1. Funds are reserved by OHCS on a competitive basis to projects of qualifying Applicants (as hereinafter defined) that:
 - a. Meet the Administrative Threshold Requirements (as hereinafter defined); and
 - b. ~~Score highest~~Have remaining resources within the set-aside categories which will be offered on a first-come first-served basis.
2. If any of the set-aside areas are under-subscribed, the remaining set-aside amounts will be moved proportionally to the other set-aside categories.
3. Projects may meet the criteria for multiple set-aside categories; if this is the case, they will be evaluated within each of the set-aside categories and if identified for funding within one will be removed from the others for resource consideration.
4. During the scoring-project selection and reservation process, limits on the remaining available funding may result either in ~~lower-ranked~~ Applications submitted later receiving a reservation of funding under this NOFA (“Reservation”) if the earlier submitted higher-ranked Applications would require funding that exceeds the amount that remains, OHCS may choose to partially fund a project request for resources for all or some of the projects. If a project request for resources is partially funded, then OHCS will negotiate to mutual satisfaction the loan terms regarding arrearage satisfaction.
5. If projects are ~~tied-submitted at the same time~~ and limits on the remaining available funding will not cover all ~~tied-submitted~~ projects, OHCS may choose to fund the project with either the greater number of units OR to partially fund a project request for resources for all or some of the projects. If a project request for resources is partially funded, then OHCS will negotiate to mutual satisfaction the loan terms regarding arrearage satisfaction assuming a reduction that is at the same proportion of the funding reduction.
6. If the NOFA is undersubscribed, at its discretion OHCS may provide additional resources to the projects demonstrating highest vulnerability to provide additional resources for projected operational (and corresponding tenant) needs.

1.2.4. NOFA Eligibility:

1. A request for loan must be based on the total rent arrearages at the time of the Application (estimated to go from March 1, 2020 through ~~October~~November 2020 scheduled rent collections). Any rent assisted household arrearages should be based solely on the tenant portion of rent owed (unless federal budget on HUD or USDA/RD assistance limitation is met; otherwise assumed that rental assistance provider has covered its portion).
2. Projects must be in the OHCS portfolio and meet the definition of publicly supported housing set forth in 6A of ORS 456.260 (excludes 6B).
3. Applicants must have an active relationship with the projects within their Application and be in a position to be able to resolve tenant arrearages.
4. Applicants may submit one Application that includes many or all of the projects in their portfolio. The evaluation of awards will occur at the individual project level; this may mean that only a portion of the projects in an Application will be recommended for funding.
 - a. Project refers generally to building or building cluster; projects funded as scattered site projects that otherwise operate independently and are not located in the same area, should be submitted as separate projects.
5. Applicants commit to finalizing the standard loan document for these resources in advance of the 12/30/2020 deadline for these resources. Any such failure may rescind any project award.

1.3. Definitions:

- 1.3.1. **“Allocation”** includes any funding allocated under this NOFA.
- 1.3.2. **“Applicants”** means persons or entities submitting an Application responsive to this NOFA and assuming the responsibility for complying with all funding requirements and ownership.
- 1.3.3. **“BIPOC”**: Acronym that stands for Black, Indigenous, and People of Color. Used as an umbrella term for all non-white individuals while also acknowledging the unique challenges and historical trauma faced by the Black and Indigenous populations in the United States that presents those populations with different systemic barriers than other non-white racial and ethnic groups.
- 1.3.4. **“Community of Color”** means identity-based communities that hold a primary racial identity that describes the racial characteristics of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. The community may or may not also be a geographic community. Given that race is a socially-defined construct, the definitions of these communities are dynamic and evolve across time.
- 1.3.5. **“Culturally Specific Organization”** means an entity that provides services to a cultural community and the entity has the following characteristics:
 - a. Majority of members and/or clients are from a particular Community of Color;

- b. Organizational environment is culturally focused and the community being served recognizes it as a culturally-specific entity that provides culturally and linguistically responsive services;
- c. Majority of staff are from the community being served, and the majority of the leadership (defined to collectively include board members and management positions) are from the community being served;
- d. The entity has a track record of successful community engagement and involvement with the community being served; and
- e. The community being served recognizes the entity as advancing the best interests of the community and engaging in policy advocacy on behalf of the community being served.

1.3.6. “Economic Vacancy” means non-payment of rent from occupied units. Rate of Economic Vacancy is defined as rent actually received from occupied units divided by the rent potential of occupied units. Vacant units are excluded.

1.3.7. “Procorem™ Workcenter”: Procorem™ Workcenter is a secure portal technology solution developed by ProLink Solutions™ and used by OHCS to help facilitate a more robust collaboration and communication model for all Applicants and future housing partners. The Procorem™ Workcenter includes a repository for electronic document submission, a task management and tracking tool, an events calendar and communication features.

1.3.8. “Publicly Supported Housing” means any multifamily rental housing development with the following;

- Development has five or more units that receives one or more of the following forms of government assistance:
 - a contract for project-based rental assistance from the Department of Housing and Urban Development (HUD) or USDA Rural Development (RD);
 - OHCS contract(s) that include an affordability restriction; or
 - Local government subsidy programs as approved by OHCS;

1.3.9. “Rural Project” means a project located in a rural area, as defined.

1.3.10. “Rural Areas” means communities outside of the Portland Urban Growth Boundary with a population of 15,000 or less in counties within Metropolitan Statistical Areas (MSAs) (Benton, Clackamas, Columbia, Deschutes, Jackson, Josephine, Lane, Marion, Multnomah, Polk, Washington and Yamhill Counties) and in communities with a population of 40,000 or less in the balance of the state.

1.3.11. “Small Portfolio” means Applicants with less than 200 total units in their portfolio of publicly supported housing.

1.3.12. “Urban Areas” means an eligible category for receiving funds through this NOFA which serve all other areas in Oregon that are not included in the “Rural Areas” definition.

1.4. Submissions:

This NOFA will be submitted electronically through the Procorem interface. This will require a two-step process: first to open an Applicant-specific workcenter for the Application, and then second the Applicant will upload all materials to their designated workcenter.

1.4.1. Establish Access to Procorem:

The request for access to Procorem must be received by **November 30th, 2020** at **9:00 AM PST**.

In order to request access, please send an email with the subject line *Request for Electronic Access* to ARH.HCS@oregon.gov; in the email please include your Sponsor Name along with the name and email addresses for all employees that need to have access to this file-upload location (usually 1 – 3 people).

- *OHCS will send an email reply to acknowledge receipt of the Request for Electronic Access within 2 business days; if this is not received, please send inquiry via email without attachment to ARH.HCS@oregon.gov. If you continue to not have a response, please call 503.986.2000*
- Using the information provided in the Email *Request for Electronic Access* submission, OHCS staff will create Applicant access to the online Procorem Workcenter within three business days of Request submission.
- Once credentials are received, go to the Procorem login page: <https://app.procorem.com/login> and use your provided credentials to login and find the Portfolio Stabilization COVID Response Fund. This will be the place where you will upload the Application and all necessary attachments.

1.4.2. The Application:

The Application along with all required materials and documentation must be uploaded to the Procorem portal by the Application due date and time of **November 30, 2020 at 4:00 PM PST**. Additional instructions for required materials and submission are in the Application.

Please note: Applications can only be submitted electronically through Procorem. Hard copies, faxes, and electronic copies not submitted through Procorem will be automatically rejected and will not be reviewed or considered for funding. If this is a barrier to participation, please reach out to ARH.HCS@oregon.gov for guidance at least two weeks before NOFA due-date.

1.4.3. Application charges:

There are no Application charges associated with this NOFA.

1.5. NOFA Questions:

- 1.5.1. Inquiries relating to the NOFA process, its administration, or the substantive technical portions of the NOFA should be directed to: ARH.HCS@oregon.gov
- 1.5.2. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and NOFA Workcenters at regular intervals during the time that the NOFA response period is open. The NOFA response period closes **November 30th 2020 at noon**. When appropriate, revisions, substitutions, or clarifications shall be issued as a Technical Advisory to the workcenters and considered a revision to this NOFA.
- 1.5.3. Changes or modifications to the NOFA requirements will ONLY be recognized if in the form of a written Technical Advisory (TA), issued by OHCS. OHCS will post the TAs to workcenters as well as on OHCS fund offering page:
<https://www.oregon.gov/ohcs/Pages/multifamily-housing-funding-opportunities.aspx>

2. Evaluation Process

If Applications pass the Administrative Threshold Requirements (as defined in Section 2.1 below), the Application will move on to a review of the Competitive Scoring (as defined in Section 2.2 below). Applications determined by OHCS to be incomplete, not meet all submission requirements of this NOFA, or otherwise fail to satisfy Administrative Threshold Requirements, outlined below will be deemed "non-responsive" and rejected without further review. Applications considered complete, meeting all submission requirements, and otherwise satisfying all Administrative Threshold Requirements by OHCS will be evaluated to determine their Competitive Score.

2.1. Administrative Threshold Requirements.

Each Application will be reviewed for timeliness and completeness of the following requirements (the "Administrative Requirements"). The following are Pass/Fail criteria:

1. Application is complete and received by due date and time;
2. Board of Directors Resolution received (if applicable); and
3. Project meets the eligibility qualifications set forth in Section 1.

2.2. Competitive Scoring.

Projects submitted in this second round of the Portfolio Stabilization COVID-19 Response Funds will be evaluated and recommended for funds on a first-come first-served basis.

If funds are over-subscribed in the second round, the project data submitted will be requested in order to allow for in the application will be competitively scored according to the criteria below.

2.2.1. Tenant Severe Rent Burden: (Up to 3 points)

Scoring contingent on tenant-level data provided by the Applicant and based on either the most recent Certificate of Continuing Compliance (CCPC) or project rent increase request. A household that is severely rent burdened is defined as a household that spends more than 50% of household income on rent expenses (including any utility allowance).

Applicant must provide evidence, likely by most recent CCPC or project rent increase request.

3 points:	50% or more of tenants are severely rent burdened
2 points:	30 – 49% of tenants severely rent burdened
1 point:	15 – 29% of tenants severely rent burdened
0 points:	0 – 14% of tenants severely rent burdened

2.2.2. Household BIPOC Demographics: (Up to 3 points)

Scoring based on percentage of households with one or more tenants that have self-identified as Black, Indigenous, or a Person of Color as submitted through either rent rolls or in summary data provided with the Application. Points will be based on positioning in relation to all other Applications submitted.

Applicant must provide evidence, likely by rent roll or summary data.

3 points:	Project percentage of Households with BIPOC tenants in top third of all projects
2 points:	Project percentage of Households with BIPOC tenants in middle third of all projects
1 point:	Project percentage of Households with BIPOC tenants in bottom third of all projects
0 points:	Project has zero Households with BIPOC tenants

2.2.3. Percent of Project with Rent Assistance: (Up to 3 points)

Scoring is based on the Applicant provided data via rent rolls that evidences the number of tenants receiving project-based or voucher-based rent assistance. This only includes long-term, ongoing programs (e.g., Section 8 HAP contract; VASH) vs. temporary program (e.g. alternate COVID-19 rent assistance payments)

Applicant must provide evidence, e.g., through rent roll.

- 3 points: Rent assistance exists for 0 – 10% of tenants
- 2 points: Rent assistance exists for 11 – 20% of tenants
- 1 point: Rent assistance exists for 21 – 30% of tenants
- 0 points: Rent assistance exists for more than 30% of tenants

2.2.4. Percent of Economic Vacancy (as defined in Section 1.3): (Up to 3 points)

Percentage is calculated as the rent received from occupied units divided by the rent potential from occupied units from March 5, 2020 through October 5, 2020. Economic Vacancy does not include vacant units. Current residential tenants only are included, and if tenant receives rent assistance, only tenant-paid rent is counted towards potential and received.

Applicant must provide evidence, e.g., by rent roll.

- 3 points: More than 20% Economic Vacancy
- 2 points: 16 – 20% Economic Vacancy
- 1 point: 10 – 15% Economic Vacancy
- 0 points: 0 – 9% Economic Vacancy

2.2.5. Operating Reserves: (up to 3 points)

Based on dedicated project operational reserves as provided by the Applicant in the Application. Applicants must have ability to provide evidence if more is requested by OHCS upon evaluation of the Application.

Applicant provided attestation with ability to provide documentation prior to funding if requested.

- 3 points: No operating reserves; or reserves to cover less than 60 days expenses
- 2 points: Operating reserves cover 61 – 120 days of expenses
- 1 point: Operating reserves cover 121 – 180 days of expenses
- 0 points: Operating reserves cover more than 181 days of expenses

2.2.6. Foreclosure Risk: (3 Points)

Based on the risk of the first position primary loan supporting the Project.
Applicant provided evidence required.

3 points: Evidence of a financial event of default or notice of foreclosure from March 1, 2020 through the Application deadline date

2.2.7. Community Demographics (Up to 3 points)

Based on census tract percentile in the **Equity Subindex** via the Urban Institute’s Emergency Rental Assistance Priority Index (<https://www.urban.org/features/where-prioritize-emergency-rental-assistance-keep-renters-their-homes>).

Based on data from the Urban Institute.

3 points: Higher than 75th percentile
2 points: 50st – 75th percentile
1 point: 25th – 49th percentile
0 points: Lower than 25th percentile

2.2.8. COVID-19 Impact (Up to 3 points)

Based on census tract percentile in the **COVID-19 Impact Subindex** via the Urban Institute’s Emergency Rental Assistance Priority Index (<https://www.urban.org/features/where-prioritize-emergency-rental-assistance-keep-renters-their-homes>).

Based on data from the Urban Institute.

3 points: Higher than 75th percentile
2 points: 50st – 75th percentile
1 point: 25th – 49th percentile
0 points: Lower than 25th percentile

2.2.9. Unemployment and Housing Stability (Up to 3 points)

Based on census tract percentile in the **Housing Instability Subindex** via the Urban Institute’s Emergency Rental Assistance Priority Index (<https://www.urban.org/features/where-prioritize-emergency-rental-assistance-keep-renters-their-homes>).

Based on data from the Urban Institute.

3 points: Higher than 75th percentile
2 points: 50st – 75th percentile
1 point: 25th – 49th percentile
0 points: Lower than 25th percentile

2.2.10. Project Leverage Ratio (Up to 3 points)

Calculated based on the total funding request in the Application. Projects that request less resources in proportion to their total rent arrearages of occupied units (March 1, 2020 through October 2020 scheduled rent collections) receive greater points. E.g. a project accepting 60 cents for every \$1 dollar in rent arrearages would have a 60% Leverage Ratio.

Calculated by Applicant project funding request and documentation of outstanding arrearages provided, e.g., in a rent roll.

3 points:	Leverage Ratio of less than 70%
2 points:	Leverage Ratio of 70 – 79%
1 point:	Leverage Ratio of 80 – 89%
0 points:	Leverage Ratio of 90 – 100%

Round percentages down to the nearest whole point.

In this first-come first-served offering, any applicant that does not meet criteria for the non-profit, small portfolio, and culturally specific set-asides, will be required to apply a 90% leverage ratio (accepting 90 cents for every dollar of rent arrearage).

3. Process, Awards and Reservation Letters

3.1. Evaluation Process:

After satisfaction of the Administrative Requirements, if the offering is oversubscribed, eligible Applications will be competitively scored based on the Competitive Scoring criteria.

In this circumstance, the final selection of Applications for Award, if any, will be from those Applications that score highest within the set-aside categories using the Competitive Scoring criteria, as further recommended by the Director, and made in accordance with available Funding Sources.

If the offering is undersubscribed, funds will be awarded on a first-come, first-served basis if the application meets the basic Administrative Requirements set forth in this NOFA.

3.2. Awards:

Applicants, if any, that OHCS determines to provide a reservation of funding pursuant to this NOFA will be designated as Awardees with commitments to work with OHCS to finalize standard loan document to relay the resources in advance of December 30, 2020. Any failure to finalize within this timeline will negate the award and any associated resources. in the conditional commitments issued to them by OHCS (“Reservation Letter”).

4. General Terms and Conditions

- 4.1.** Funding in this NOFA is subject to the continuing availability to OHCS of the described funds or tax credits, the continuing authority of OHCS to disburse or allocate such funds or tax credits, and the successful negotiation, execution, and recording (if required) of relevant documents in a manner satisfactory to OHCS.
- 4.2.** OHCS may require additional information to determine whether an Application satisfies relevant criteria. Any necessary clarifications or modifications normally will be made before OHCS makes any Reservation and may become part of the documents evidencing the funding (the "Loan Documents").
- 4.3.** Submission of an Application by Applicant or acceptance by OHCS of a submitted Application neither constitutes an agreement of any kind between OHCS and Applicant nor does it secure or imply that Applicant will be selected for receipt of a Reservation of Funds.
- 4.4.** In the extent that other OHCS funding sources are awarded to the project and have additional or other requirements, the most restrictive requirements will apply to the project. Applicants should review and evaluate other OHCS funding sources they intend to apply for to comprehend the additional restrictions that may be required; this is the sole responsibility of the Applicant and not OHCS.
- 4.5.** All costs associated with Applicant's submission of an Application are the sole responsibility of the Applicant and shall not be borne to any degree by the State of Oregon.
- 4.6.** Successful Applicants will be required to maintain appropriate levels of insurance and to comply with additional funding source Project Requirements and other OHCS policies, including execution of the Loan Documents.
- 4.7.** OHCS reserves the right and option to amend any Reservation Letter and other related documents that result from a Reservation made pursuant to this NOFA. All such amendments will be in writing and must be signed by relevant authorized parties.
- 4.8.** ORS 60.701 requires foreign corporations be registered by the State of Oregon, Office of the Secretary of State, before conducting business in the state. A foreign corporation (ORS 60.001) means a for-profit business corporation incorporated under a law other than the law of the State of Oregon. If a foreign corporation is selected for the Agreement because of this NOFA, it must register to do business in Oregon.
- 4.9.** OHCS reserves the right:
 - 4.9.1.** to amend this NOFA prior to the closing date;
 - 4.9.2.** to amend the deadline for submitting Applications;
 - 4.9.3.** to determine whether an Application does or does not substantially comply with the requirements of this NOFA;
 - 4.9.4.** to waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;
 - 4.9.5.** to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;

- 4.9.6.** to reject any Application that fails to comply with the requirements of this NOFA, at any time prior to execution of the Loan Documents (including after announcement of the apparent Reservation)
- 4.9.7.** to reject all Applications received and cancel this NOFA upon a finding by OHCS that such cancellation would be in the best interest of the State;
- 4.9.8.** to use adherence with components of the Applicant's Application and this NOFA as consideration for scoring criteria in future multifamily funding solicitations;
- 4.9.9.** to withdraw any funding source from this NOFA; and
- 4.9.10.** to waive any term or condition of this NOFA for good cause as determined by OHCS.

4.10. This NOFA and one (1) copy of each original Application received, together with copies of all documents pertaining to a Reservation, will be kept by OHCS and made a part of a file or record, and be available for disclosure pursuant to the Oregon Public Records Law. All Applications are public record and are subject to public inspection after OHCS issues the Award. If an Applicant believes that any portion of its Application contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Applicant provide in writing its request for exemption from disclosure and a fully redacted version of its Application.

Applicants are cautioned that budget information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Application, in whole, as exempt from disclosure is not acceptable. OHCS advises each Applicant to consult with its own legal counsel regarding disclosure issues. If the Applicant fails to identify the portions of the Application that an Applicant claims are exempt from disclosure, the Applicant has waived any future claim of non-disclosure of that information.

4.11. An Applicant or potential Applicant seeking to challenge any aspect of this NOFA is subject to and must comply with the provisions of OAR 813-005-0025, which provide:

4.12. 813-005-0025 Solicitation Protests; Administrative and Judicial Review

4.12.1. With respect to any solicitation conducted by OHCS, an Applicant or potential qualifying Applicant may protest or otherwise challenge such solicitation process by first requesting administrative review as herein specified.

1. With respect to any solicitation conducted by OHCS, an Applicant may protest or otherwise challenge any department determination or order (collectively hereinafter, "determination") related to such solicitation by first requesting administrative review as herein specified.
2. A timely, qualifying request for administrative review is necessary to satisfy the conditions of this section and a condition precedent to judicial review consistent with ORS 183.480.
3. Failure to file a timely, qualifying request for administrative review with OHCS will constitute a failure to exhaust administrative remedies and terminate further rights to protest or otherwise challenge the solicitation process or any related department determination, including judicial review thereof.

4.12.2. An Applicant under this section is a person or entity that makes an Application (including delivery to OHCS under the terms of the solicitation) for a department funding award pursuant to a particular department solicitation. A potential qualifying Applicant is a person or entity that qualifies to make an Application for an OHCS funding

award under the terms of a solicitation with respect to the process of which it requests administrative review consistent with the terms of this section.

- 4.12.3.** An Applicant or potential qualifying Applicant seeking to protest or otherwise challenge any aspect of a solicitation process (other than a department determination related thereto) must request review by OHCS within fourteen (14) days of the Application due date of the solicitation. An Applicant seeking to protest or otherwise challenge a determination by OHCS related to a solicitation must request review by OHCS of such determination within fourteen (14) days of the Applicant receiving notice from OHCS of that determination.
- 4.12.4.** Any request for review under this section must be in writing, specifically identifying:
1. The nature of the requestor's interest, including the facts showing how the requestor is adversely affected or aggrieved by the solicitation process or a department determination;
 2. The relief sought;
 3. Each of the grounds for review;
 4. An explanation for each of the grounds upon which relief should be granted; and
 5. Any supporting information the requestor desires to have considered by OHCS.
- 4.12.5.** The envelope containing the request for review MUST:
1. Be marked PROTEST;
 2. Identify the solicitation number;
 3. Identify the closing time and date for acceptance of solicitation Applications;
 4. Identify OHCS's contact person for the solicitation; and
 5. Be received by OHCS at its main Salem Office, Oregon Housing and Community Services 725 Summer Street NE, Suite B Salem, OR 97301, not later than 4:00 PM on the fourteenth (14th) day after the solicitation closing date or the Applicant's receipt of notice from OHCS of OHCS determination from which review is requested, whichever due date is applicable under this section.
- 4.12.6.** The Applicant will be deemed to have received notice of a department determination upon the sooner of:
1. Three (3) days after OHCS's determination is mailed to the Applicant;
 2. Two (2) days after such determination is posted to OHCS's website;
 3. Two (2) days after the list of successful solicitation Applicants is posted to OHCS's website; or
 4. One (1) day after such determination is emailed to the Applicant.
- 4.12.7.** OHCS may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.
- 4.12.8.** OHCS will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.
- 4.12.9.** Judicial review of OHCS response to a timely, qualifying request for review shall be limited to those grounds the requestor raised with OHCS in its request for review.
- 4.12.10.** The filing of a request for review, or subsequent judicial review (if any), will not preclude OHCS from moving forward with the solicitation or the award of funding assistance thereunder. However, the department reserves the right to delay, terminate, modify, or take other action it determines to be appropriate with respect

to a solicitation or any related award of funding assistance in response to a request for review or subsequent judicial review.

- 4.13.** OHCS' contact person for this NOFA is Natasha Detweiler-Daby. Her contact information is as follows:

Oregon Housing and Community Services
Attn: Natasha Detweiler-Daby
725 Summer Street NE, Suite B
Salem, OR 97301
Email: ARH.HCS@oregon.gov

- 4.14.** Reservations, Allocations or Awards by OHCS (collectively, "Determinations") may be subject to Council review under ORS 456.561. Determinations that include additional OHCS funding subject to Council review, are contingent upon Council's approval of those Determinations or supporting funding. The Council may approve, reject, modify, or further condition funding awards submitted for its review, thereby directly or indirectly impacting OHCS' Determinations and Reservations.
- 4.15.** All Reservations made pursuant to this NOFA are subject to the successful negotiation, execution, and recording (if required) of any and all Loan Documents. Projects that have only a leasehold interest in relevant real property must also include binding commitments executed and recorded by the landlord satisfactory to OHCS including, but not limited to, restrictive covenants with respect to the ongoing use and operation of the real property and leasehold interest for affordable housing acceptable to OHCS.
- 4.16.** OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in preparing the Loan Documents or otherwise reasonably incurred. OHCS also may charge and Applicant shall pay any other fees with respect to the Application, ensuing Reservation, Award or Allocation, and project operation.
- 4.17.** Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.
- 4.18.** OHCS reserves all other rights not specifically identified herein, including but not limited to rights, remedies, and requirements established in OHCS administrative rules or other law.