

# Affordable Housing Funding Notice

Oregon Housing and Community Services



## **MULTIPLE AWARD OPPORTUNITY NOTICE OF FUNDING AVAILABILITY (NOFA) #2020-7**

Permanent Supportive Housing Pilot Initiative  
**Mini-NOFA**

NOFA Issued: March 2, 2020

Initiate Procorem Access by: March 16, 2020

Proposal Due Date: ~~March 20, 2020~~ March 26, 2020

Proposal Due Time: 4:00 PM PST

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## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2.</b>	<b>NOFA FUNDING SOURCES, ALLOCATIONS AND FUNDING LIMIT CATEGORIES</b>	<b>4</b>
2.1.	CAPITAL FUNDS	4
2.2.	RENT ASSISTANCE/OPERATING SUBSIDY	5
2.3.	SERVICES FUNDING	5
2.4.	APPLICATION PARAMETERS	5
2.5.	DEFINITIONS	5
2.6.	RESERVATION PROCESS	8
2.7.	PSH PROJECT REQUIREMENTS	8
A.	<i>Eligible Activity</i>	9
B.	<i>Affordability Period</i>	9
C.	<i>Rents and Incomes</i>	9
D.	<i>Construction Standards</i>	9
E.	<i>Development Period</i>	9
F.	<i>Underwriting Guidelines</i>	9
G.	<i>Tenancy Support Services Plan</i>	10
H.	<i>Compliance Monitoring</i>	11
<b>3.</b>	<b>APPLICATION</b>	<b>11</b>
3.1.	APPLICATION ACCESS	11
3.2.	APPLICATION SUBMISSION	11
3.3.	NOFA QUESTIONS	12
<b>4.</b>	<b>EVALUATION PROCESS</b>	<b>12</b>
4.1.	PRELIMINARY REVIEW	12
4.2.	THRESHOLD REQUIREMENTS REVIEW	13
A.	<i>Development Team Capacity</i>	13
B.	<i>Services Plan and Services Questionnaire:</i>	13
C.	<i>Development and Finance Plan:</i>	13
D.	<i>Ownership Integrity</i>	14
E.	<i>Commitment to Diversity, Equity and Inclusion (DEI) :</i>	14
4.3.	COMPETITIVE SCORING	14
A.	<i>PSH subsidy per unit (up to 20 points):</i>	14
B.	<i>Readiness to Proceed (up to 30 points)</i>	15
C.	<i>Inclusion of culturally responsive/equity measures (up to 5 points)</i>	15
D.	<i>MWESB (up to 5 points)</i>	16
E.	<i>Need for Housing (up to 5 points)</i>	16
F.	<i>Pilot PSH Category Representation (up to 10 points)</i>	16
G.	<i>Pilot Preference (up to 10 points)</i>	17
<b>5.</b>	<b>APPLICATION EVALUATIONS</b>	<b>17</b>
<b>6.</b>	<b>GENERAL TERMS AND CONDITIONS</b>	<b>188</b>



## **1. INTRODUCTION**

### **1.1. Purpose**

Oregon Housing and Community Services (“OHCS”) is seeking applications (“Applications”) in this NOFA for the new construction, rehabilitation, or acquisition/rehabilitation of new permanent supportive housing developments (“Projects”). The source of funds under this NOFA is Article XI-Q Bonds. Participation in this NOFA is limited to the Projects in the OHCS Permanent Supportive Housing Pilot Cohort currently participating in the Corporation for Supportive Housing Institute. Projects must serve qualified low-income households that are chronically homeless or otherwise locally defined and assessed by the community-wide homeless services system as the most vulnerable homeless persons.

## **2. NOFA FUNDING SOURCES, ALLOCATIONS AND FUNDING LIMIT CATEGORIES**

### **2.1. Capital Funds**

#### **A. PSH Capital Funds**

In the 2019 Oregon State Legislature, \$50 million in funding was provided to OHCS in the form of Article XI-Q Bond authority for the PSH Capital program for the 2019-2021 biennium. This NOFA represents the first PSH Capital offering of the biennium. This funding source requires the State of Oregon to hold an appropriate operational interest in the Project. This is satisfied in part, by an Operating Agreement, Declaration of Restrictive Covenants, and a Project Management Agreement.

Funding available through this NOFA is \$20 million based on current unreserved PSH Capital resources and interest earnings and is to be reserved to Projects that meet specified eligible Application parameters as listed in Section 1.3. If additional PSH resources become available from interest earnings or other means, OHCS may add those to the resources that are awarded from this NOFA.

This NOFA does not set specific per unit subsidy limits, however, there is a preference for applications that request at or below \$250,000/unit in subsidy.

#### **B. OAHTC**

In addition to the PSH Capital funds, OHCS will make \$8 million in Oregon Affordable Housing Tax Credits (OAHTC) available where it results in serving households at or below 50% AMI. Furthermore, if there is a Project that cannot be funded with the remaining PSH Capital resources, OHCS retains the right at its sole discretion to leverage OHCS gap funding resources other than PSH Capital to fully fund a Project.

#### **C. Multifamily Energy Program**

The Multifamily Energy Program (MEP) is also available as a source for PSH Capital Projects. Information on the MEP can be found here: <https://www.oregon.gov/ohcs/pages/multifamily-energy-program.aspx>

#### **D. 4% LIHTC**

Applicants may choose to utilize 4% Low Income Housing Tax Credits (LIHTC) and tax-exempt conduit bonds, as a funding source. If an Applicant chooses to do so, all components of the 4% LIHTC program, including Project feasibility review and due diligence associated with the 4% LIHTC program applies must be submitted to OHCS within 45 days of PSH reservation. Information on the LIHTC program can be found here: <http://www.oregon.gov/ohcs/Pages/multifamily-housing-four-percent-application.aspx>.

#### **2.2. Rent Assistance/Operating Subsidy**

The 2019 Oregon Legislature set-aside Rent Assistance resources to be operated as Project-based rent assistance through Oregon Housing and Community Services. The funding source for these resources will be considered “current service level” funding and be renewed every biennium. OHCS is in the process of standing up this program, though is making this resource available through this NOFA to the current PSH Pilot Cohort in order to launch this pilot initiative. For the purposes of financial modeling, Projects should assume that these Project based rents will reimburse up to 60% AMI rents and will subsidize the gap between tenant income and 60% rents, even if tenant incomes are as low as \$0. Additionally, contract language will include the ability to convert to 60% AMI units if the rent assistance becomes no longer available for any reason.

#### **2.3. Services Funding**

Services funding is available through this NOFA and will be offered by Oregon Health Authority (OHA) on a contractual basis. This is a new delivery of these resources for OHA, and there has been a commitment to ensuring that it works for the State’s PSH initiative. Requested services funding from this NOFA for the current PSH Pilot Cohort will be processed in a negotiation with OHA for any Project selected for funding from the pilot cohort. This will be based on the information provided in the services plan, which will be relayed to OHA.

#### **2.4. Application Parameters**

- Applications will be accepted only from teams who have participated in the 2019-2020 Oregon Supportive Housing Institute.
- Applicants may apply only for funding of one (1) phase of a multi-phase Project.

#### **2.5. Definitions**

Terms defined in this NOFA (including those provided in this subsection), as well as terms defined in other Program Requirements, shall be construed in this NOFA consistently with those definitions unless the context clearly indicates otherwise. The following terms shall have the following meanings:

**Agreement Documents:** means the funding documents, the final form of which are satisfactory to OHCS, in consultation with the Oregon Department of Justice and executed in connection with the Project.

**Allocation:** includes any funding allocated under this NOFA.

**Applicants:** means persons or entities submitting an Application responsive to this NOFA.

**Chronically Homeless:** Is defined by HUD as: <https://www.hudexchange.info/homelessness-assistance/resources-for-chronic-homelessness/>

(1) An individual who:

(i) Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

(ii) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years; and

(iii) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

**Communities of Color:** identity-based communities that hold a primary racial identity that describes shared racial characteristics among community members. The term aims to define a characteristic 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. An older term for Communities of Color is that of "minority communities" which is increasingly inaccurate given that people of color are majority identities on a global level. That term has also been rejected for its potential to infer any inferior characteristics. 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. At present the Coalition of Communities of Color defines Communities of Color to include Native Americans, Latinos, Asian and Pacific Islanders (further disaggregated according to local preferences), African Americans, African Immigrants and Refugees, Middle Eastern, and Slavic communities.<sup>1</sup>

**Coordinated Entry:** A process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred, and connected to housing and assistance based on their strengths and needs.

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<sup>1</sup> Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

**Culturally Responsive Organization:** A culturally responsive organization comprehensively addresses power relationships throughout the organization, from the types of services it provides and how it maximizes language accessibility to its human resources practices—who it hires, how they are skilled, prepared and held accountable, to its cultural norms, its governance structures and policies, and its track record in addressing conflicts and dynamics of inclusion and exclusion, to its relationships with racial groups in the region, including its responsiveness to expectations. Furthermore, a culturally responsive organization is one that is dynamic, on a committed path to improvement and one that is hardwired to be responsive to the interests of communities of color, service users of color and staff of color.<sup>2</sup>

**Culturally Responsive Services:** Services that have been adapted to maximize the respect of and relevance to the beliefs, practices, culture and linguistic needs of diverse consumer/client populations and communities. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. It thus requires knowledge and capacity at different levels of intervention: systemic, organizational, professional, and individual.<sup>3</sup>

**Culturally Specific Organization:**

A culturally specific organization has these characteristics:

- Majority of members and/or clients must be from a particular community of color
- Organizational environment is culturally focused and the community being served recognizes it as a culturally-specific organization
- Staff must be majority from the community being served, and the leadership (defined to collectively include board members and management positions) must be majority from the community being served
- Organization has a track record of successful community engagement and involvement with the community being served
- The community being served recognizes the organization as advancing the best interests of the community and engaging in policy advocacy on behalf of the community being served<sup>4</sup>

**Integrated PSH Units:** A development where PSH units make up some, but not all of the units. To qualify as an integrated PSH development for this pilot, the following requirements apply:

- At least 10% and no more than 25% of the units are reserved for permanent supportive housing.
- An integrated PSH development must have at least 4 units of PSH.

**Rural Areas:**

An eligible category for receiving funds through this NOFA. Rural areas are defined as:

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<sup>2</sup> Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

<sup>3</sup> Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

<sup>4</sup> Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). *Protocol for Culturally Responsive Organizations*

- a. Oregon communities with population of 15,000 or less within counties that are considered Metropolitan Statistical Areas (MSA) and outside of the Portland Urban Growth Boundary (see section a.). MSA Counties include Benton, Clackamas, Columbia, Deschutes, Jackson, Marion, Multnomah, Polk, Washington, and Yamhill.
- b. Communities with populations of 40,000 or less in the balance of the state (not defined in parts a. or c. in this section).
- c. All Oregon communities within the Portland Urban Growth Boundary are considered urban and not considered rural regardless of size.

*Note: A community may be considered rural if it had been under the population threshold within the past 3 years of published data, and if their current population is within 5 percentage points of eligibility.*

**Urban Areas:**

An eligible category for receiving PSH funds through this NOFA which serve all other areas in Oregon that aren't included in the "Rural Areas" definition.

**2.6. Reservation Process**

- A. Application Ranking Process: Funds are reserved by OHCS on a competitive basis to Projects of qualifying Applicants that have the highest ranking score in accordance with available funding, subject to prioritization of qualifying Projects.

During the scoring and reservation process, limits on the remaining available funding may result either in lower-ranked Applications receiving a funding Reservation if higher-ranked Applications would require funding that exceeds the amount that remains available for awards, or, OHCS may choose to leverage other OHCS gap funding resources to fully fund the higher ranked Application(s) or to provide an opportunity for a project to be funded in part, or at a lesser level than requested.

In the event of a tie, and assuming sufficient funding for either of the tied Applications, OHCS will apply the following tie breaking rules in making funding awards.

- B. Tie Breaking Rule: If the total evaluation scores of two (2) or more Applications result in a tie and funding availability is insufficient to fund all tied Applications, the Project that will add the greatest number of PSH units that can be funded under this NOFA will be funded.

**2.7. PSH Project Requirements**

In addition to any other requirements in this NOFA, the following Project Requirements apply to any and all Projects funded through this NOFA. ("Project Requirements"):

## **A. Eligible Activity**

PSH Capital funds are for the creation of permanent supportive housing rental units via new construction, rehabilitation, or acquisition/rehabilitation.

*Please note:*

*Developments that are under construction (including site work) at the time of application are not eligible for funding through this NOFA. Developments that begin construction after PSH Capital Fund Reservation and before PSH Capital loan closing may have their PSH Capital Fund Reservation revoked.*

## **B. Affordability Period**

OHCS has the discretion to meet the needs of the program, but generally, the affordability period will be established with a minimum of 30 years from the end of the year that the Project is placed in service or the length of the bonds outstanding, whichever is greater.

## **C. Rents and Incomes**

All units funded with PSH Capital funds must be affordable to Chronically Homeless households earning Extremely Low Incomes (at or below 30% AMI) at the time of initial lease, with an exception for the one permissible manager's unit per Project. Maximum rents allowable on any PSH Capital unit will be based on and may not exceed the 60% HUD Area Median Income standard, but may be further restricted to accomplish PSH Capital program goals or other funding purposes.

For all Projects, tenants must be able to stay in the Project regardless of future income. To ensure affordability and comparability of unit compliance, i.e., the number, size, and character of affordable units are provided to serve the necessary population of lower-income households, a next available unit rule will need to be established in conjunction with OHCS compliance staff.

## **D. Construction Standards**

All Projects must meet local and state code requirements. Chapter "Baseline Design Requirements" of the OHCS Core-Development Manual (CDM) <https://www.oregon.gov/ohcs/HD/MFH/Core-Development-Manual/CDM-Version-3-1.pdf> applies to PSH Projects.

## **E. Development Period**

Project sponsors are expected to do their best to have units ready for lease-up by June 30, 2021. This NOFA anticipates funding reservations by April 2020 with bond sale in May 2020.

## **F. Underwriting Guidelines**

Underwriting guidelines will be applied by OHCS in its due diligence and Project review process to ensure ongoing Project viability. Such guidelines will be consistent with the industry standard

minimum requirements of mortgage lenders, investors, and other potential public funding sources. This includes, but is not limited to:

1. Minimum debt service coverage ratio of 1.20 on all "must-pay" debt
2. 7% vacancy rate
3. 2% escalation of rents and 3% escalation of expenses
4. Capitalized operating reserve equal to six (6) months operating expenses and debt service
5. Minimum annual replacement reserve deposit of \$450 per unit
6. Prior to closing, a Phase I environmental study is required for all PSH Projects
7. Demonstration of meeting BOLI compliance, if applicable
8. Other Requirements: If other public capital or operating subsidies are used in financing the Project, relevant requirements of those subsidy sources will also apply.

#### **G. Tenancy Support Services Plan**

All funded Projects must provide a comprehensive tenancy support services to tenants who are chronically homeless. These services are separate from behavioral and physical health services. This is not an exhaustive list, nor are all of the services listed below required for each Project. The list below is meant to be used for informational purposes only, some examples of tenancy support services are:

##### **Pre-tenancy services:**

- Tenant screening and assessment of housing preferences/barriers
- Developing an individualized housing support plan
- Assisting with rent subsidy and housing application processes
- Assisting with housing search
- Identifying resources/covering start-up expenses (security deposits, other lease/rental costs)
- Assisting in arranging for and supporting the details of move-in
- Ensuring housing unit is safe and ready for move-in
- Developing an individualized housing support crisis plan
- Supporting tenant readiness programs such as "Rent Well" or "Ready to Rent" tenant education resources
- Bridging related covered services for limited English proficiency and members with disabilities
- Payment of back utility bills/rent
- Assistance in requesting reasonable accommodations
- Assisting tenants in connecting to entitlement services, as needed

##### **Tenancy-sustaining services:**

- Early identification/intervention for behaviors that may jeopardize housing
- Education on the role, rights and responsibilities of the tenant and landlord
- Coaching on developing/maintaining relationships with landlords/property managers
- Assistance resolving disputes with landlords or neighbors
- Advocacy/linkage with community resources to prevent eviction

- Assistance with the housing recertification process
- Coordination with tenant to review/update/modify housing support and crisis plan
- Continued training on being a good tenant and lease compliance
- Supports to locate new housing if at risk
- Assertive/progressive engagement in services
- Assisting tenants in connecting to entitlement services, as appropriate
- Assistance in requesting reasonable accommodations

## H. Compliance Monitoring

Compliance monitoring will be sufficient to cover due diligence of OHCS. A compliance monitoring fee of \$25 per PSH unit will be required annually. This fee may be adjusted over time by OHCS.

Additional monitoring fees may apply depending upon OHCS funding supplemental to PSH Capital.

Monitoring will address elements of Project operation including but not limited to:

1. Initial household income verification
2. Annual income verification, including through self-certification
3. Risk-based physical inspections every 1-3 years based on Project condition
4. Other Requirements: If other public capital or operating subsidy will be used from any source, relevant compliance requirements of those sources will be assumed to apply. For example, if 4% LIHTCs are used, all 4% LIHTC compliance requirements will apply.

## 3. APPLICATION

### 3.1. Application Access:

Materials for the PSH NOFA Application can be downloaded from the OHCS website here:

<https://www.oregon.gov/ohcs/Pages/multifamily-housing-funding-opportunities.aspx>

### 3.2. Application Submission

**Applications must be received by OHCS no later than:**

**March 20<sup>th</sup>, 2020 at 4:00 PM PST**

Applications must be uploaded into the Procorem portal by no later than March 20, 2020 at 4:00 PM PST. In order to do this, Applicants must request access Procorem, by sending an email to **HCS.PSH@oregon.gov** no later than **March 16, 2020**. **If credentials are not requested by this date, Applicants will not be able to access the Procorem portal for application submission.**

**Applications in response to this NOFA can only be submitted through OHCS's online portal, Procorem. Applications received in any other way will be considered non-responsive, will be disqualified, and will not be eligible for funding.**

Charges: no charges are required at time of application for these resources.

Applications determined by OHCS to be incomplete, to not meet all submission requirements of this NOFA, or otherwise fail to satisfy Preliminary Review requirements will be deemed "non-responsive" and rejected without further review. Applications considered complete, meeting all submission requirements, and otherwise satisfying all Preliminary Review requirements by OHCS will be evaluated to determine if they comply with the Threshold Requirements. Applications determined by OHCS as failing to meet any of the Threshold Requirements will be deemed non-responsive and rejected without further review. Applications that meet the Threshold Requirements are considered responsive and qualify to be evaluated for ranking and award purposes by the Scoring Committee as described in this NOFA.

### **3.3. NOFA Questions**

Inquiries relating to this Mini-NOFA process, its administration, or the substantive technical portions of the NOFA should be directed to: [HCS.PSH@oregon.gov](mailto:HCS.PSH@oregon.gov)

**Please note "NOFA"** in the subject line. Frequently Asked Questions (FAQs) and answers will be shared with the PSH Pilot Cohort email list at regular intervals during the time that the NOFA response period is open. When appropriate, revisions, substitutions, or clarifications shall be issued as a Technical Advisory and considered a revision to this NOFA.

Changes or modifications to the NOFA requirements will **ONLY** be recognized if in the form of a written guidance distributed to all eligible teams through the Procorem work center.

## **4. EVALUATION PROCESS**

If Applications pass the Preliminary Review, which includes timeliness and completeness criteria, the Application will move on to a review of Threshold Requirements. Review of the Threshold Requirements will be conducted to evaluate to determine whether Applications satisfy the Threshold requirements. If, at any point, an Application fails to meet the threshold criteria listed in Section 3.2 below, the Application will be deemed nonresponsive and will not be reviewed further.

**OHCS may employ, but is not limited to, the following selection criteria upon which to base its decisions:**

### **4.1. Preliminary Review**

Each Application will be reviewed for timeliness and completeness of the NOFA requirements. The following are Pass/Fail criteria:

1. Application and all required materials submitted through Procorem by Application due date and time
2. Complete NOFA Application with Required Exhibits

3. Does the Project fit at least one of the following pilot categories?

<b>Rural Projects</b>	<b>Urban Projects</b>
100% PSH units	100% PSH units
Integrated PSH units	Integrated PSH units
PSH unit placement into existing housing	PSH unit placement into existing housing
Leverage of non-OHCS resources	Leverage of non-OHCS resources
Tribal led Projects	Tribal led Projects

**4.2. Threshold Requirements Review**

After passing Preliminary Review, all Threshold Review requirements must be met. The following are Pass/Fail criteria:

**A. Development Team Capacity**

**1. Construction Experience**

- i. Does the Applicant have a successful history of leading construction development Projects of similar (or larger) size and scope, such as, mid-rise versus high-rise, wood frame versus steel, and new construction versus rehabilitative construction?
- ii. If Applicant's history is limited, will the Applicant partner with an appropriate party to mitigate this limitation?

**2. Development Team Experience**

- i. Has the Applicant managed similarly comprised development teams?
- ii. Explain the development team experience with Projects of this type, size, and scope?
- iii. If an Applicant has applied for multiple Project Reservations, does the development team have the capacity to administratively and financially support all Projects simultaneously?

**B. Services Plan and Services Questionnaire:**

Submit a completed Services Plan and Services Questionnaire. This information will be used to begin OHA assessment of service funding commitment, which will occur after initial PSH development capital and rent assistance funding reservation. Applicants must also submit the Corporation for Supportive Housing “Services Planning Tool” provided as part of the PSH Insitute.

This will be a pass/fail criteria, in a review for the reasonability of developing into a final services plan.

**C. Development and Finance Plan:**

Submit a financial plan that at a minimum includes completed application sources and uses for the development (complete pro forma is optional), as well as operational information on any corresponding rent assistance and tenancy service funding. This financial plan must include the

requests for state resources for PSH development capital, rent assistance, and supportive tenancy service funds.

In addition, a complete development strategy narrative must be provided with identified path and timeline for seeking remaining resources. If pursuing additional competitive resources to complete the development resources as the primary strategy, the applicant may also choose to include a secondary strategy for continuing the Project if unsuccessful in securing competitive resources. (4% LIHTC is not considered competitive)

Financial plan, including sources and uses, will be reviewed for reasonability as a pass/fail criteria.

#### **D. Ownership Integrity**

1. Single-Asset Ownership: The Project will be owned by a single-asset entity duly organized under the laws of the State of Oregon, or if allowed by OHCS, duly authorized to conduct business in the State of Oregon.
2. Neither Applicant nor any member or principal within the Project ownership or management will have been convicted of fraud, misrepresentation, theft or other moral turpitude within the previous ten (10) years.
3. Neither Applicant nor any member or principal within the Project ownership or management will have been involved in a bankruptcy proceeding within the previous five (5) years.
4. Neither Applicant nor any member or principal within the Project ownership or management will have been debarred or otherwise sanctioned by OHCS.

#### **E. Commitment to Diversity, Equity and Inclusion (DEI) :**

Each Applicant must submit a signed DEI form, which commits to making strides toward diversity, equity and inclusion within the Applicant's organization as well as in the work it does.

### **4.3. Competitive Scoring**

Applications that pass Preliminary Submission Review and meet the Threshold Requirements will be scored competitively using the following criteria.

**A maximum of 85 points is possible.**

**The criteria to be used for each scored section is as follows:**

#### **A. PSH subsidy per unit (up to 20 points):**

There is no set subsidy cap, however, Projects that request less than \$250,000/unit in PSH funds will receive preference:

Request	Points
Up to \$100,000/unit	20
\$100,001/unit - \$150,000/unit	15
\$150,001/unit - \$200,000/unit	10
\$200,001/unit - \$250,000/unit	5

**B. Readiness to Proceed (up to 30 points)**

Application must demonstrate the Project’s readiness to proceed based on the following criteria:

- Ready to Proceed: 30 points
  - Project development not dependent upon additional competitive resources
  - Project will be able to submit complete development pro forma and 4% pre-application materials (<https://www.oregon.gov/ohcs/Pages/multifamily-housing-four-percent-application.aspx>) within 45 days of PSH resources conditional reservation. [note: if Project is not anticipating using 4% LIHTC credits, this 4% LITHC pre-application will still be used, as applicable, to establish base expectations for materials to be provided within 45 days of PSH reservation].
  - Note: Project must have site control and zoning and firm commitment of other resources.
- Nearly Ready to Proceed: 20 points
  - Project development plan contingent on the leverage of competitive resources being offered in the first quarter of 2020; Project commitment to submitting complete application to these NOFA.
  - Note: Project must have site control and zoning.
- Not Quite Ready to Proceed: 5 points
  - Project development plan contingent on the leverage of competitive resources being offered after the first quarter of 2020; Project commitment to submitting complete application to those resources.

**C. Inclusion of culturally responsive/equity measures (up to 5 points)**

Provide a brief narrative, not to exceed one page, providing an overview of the culturally responsive

measures taken to further equity and service to under represented populations and Communities of Color.

**D. MWESB (up to 5 points)**

Narrative Plan to address equity and diversity in the Project through the use of Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (MWESB) contracting, subcontracting, and professional services.

Scoring for this section is based on the narrative plan submitted as part of the Application and based on the evaluation can be awarded up to 5 points by the Scoring Committee. The Scoring Committee will evaluate the following:

- Commitment to a specific MWESB target
- MWESB recruiting strategies
- Detailed and specific narrative

Best practices to consider for MWESB inclusion include:

- Advertise Project to general contractors known for meeting MWESB guidelines
- Advertise in Daily Journal of Commerce (DJC) and other culturally specific publications
- Distribute bids via online bid distribution and tracking software (include COBID certified firms)
- Provide examples of documentation used to track MWESB progress
- Document MWESB contacted, results, bid, contract
- Hold pre-bid meetings/info sessions for MWESB firms
- Conduct Informational meeting specifically on how to submit a proposals and what steps need to be done to reach out to MWESB firms
- Reach out personally to MWESB firms in the subcontractor community, develop relationships, and encourage bidding
- Keep track of % of MWESB utilized on Project

**E. Need for Housing (up to 5 points)**

Provide a brief narrative, not to exceed one page, demonstrating the Project's: responsiveness to the need for housing; assessment of the proposed services plan connection to addressing the need for housing; focus on chronic homeless population, coordinated entry, and community need.

**F. Pilot PSH Category Representation (up to 10 points)**

The top scoring Project within these categories may receive a total of 10 additional points (note Projects that are the top scoring within multiple categories may only receive a max of 10 points).

<b>Rural Projects</b>	<b>Urban Projects</b>
100% PSH units	100% PSH units
Integrated PSH units	Integrated PSH units
PSH unit placement into existing housing	PSH unit placement into existing housing
Leverage of non-OHCS resources	Leverage of non-OHCS resources
Tribal led Projects	Tribal led Projects

**G. Pilot Preference (up to 10 points)**

The intent of this PSH Pilot NOFA is to prioritize Projects that are ready to proceed while also testing a mix of execution strategies in different areas in the state. The proposed scoring structure intends to ensure a mix of urban / rural and PSH strategies; these Pilot Preference points will ONLY be used in a case where the numeric ranking results in the lack of representation where there are Projects that received 20 or more points for readiness to proceed.

**5. APPLICATION EVALUATIONS**

**5.1. Evaluation Process**

After Preliminary Review (see Section 3.1), eligible Applications will be reviewed for Threshold Requirements (see Section 3.2). After the review of Threshold Requirements, eligible Applications will be scored competitively (see Section 3.3).

The final selection of Applications for Award Reservation, if any, will be from those Applications that best meet the competitive scoring requirements based on the recommendation from the Scoring Committee, as further recommended by the Director and approved by the Housing Stability Council (Council), in accordance with available Funding Sources.

Any preliminary Award Reservation will be contingent upon successfully meeting agreed upon performance deadlines to secure the needed remaining resources.

**5.2. Awards**

Applicants, if any, that OHCS determines to provide a reservation of funding (“Reservation”) pursuant to this NOFA will be designated as Awardees in the conditional commitments issued to them (“Reservation Letter”) by OHCS. All Reservations are conditional in nature, contingent upon the terms upon which they are made, approval by the Housing Stability Council (Council), the continuing availability to OHCS of the described funds or tax credits (collectively or individually without distinction, Funds), the continuing authority of OHCS to disburse or allocate such funds, and the successful negotiation, execution, and recording (if required) of the Agreement Documents.

**5.3. Notice of Intent to Issue Reservation Letter**

Applicants will be notified in writing of OHCS's Notice of Intent to Issue a Reservation Letter, this information will also be posted on OHCS's website.

## 6. GENERAL TERMS AND CONDITIONS

- 6.1** Any funding allocation under this NOFA is subject to receipt by OHCS of the proceeds of the anticipated Article XI-Q Bonds issuance and approval by bond counsel, the Oregon Department of Justice, and the Issuer (State Treasurer collectively with the Department of Administrative Services (DAS) and OHCS or OHCS only) to use the proceeds for purposes as contemplated under the NOFA.
- 6.2** OHCS may require additional information to determine whether or not 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 Agreement Documents.
- 6.3** 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.
- 6.4** In the extent that other funding sources have additional or other requirements, the most restrictive requirements will apply to the Project.
- 6.5** 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.
- 6.6** Successful Applicants will be required to maintain appropriate levels of insurance and to comply with the Project Requirements and other OHCS policies, including execution of the Agreement Documents.
- 6.7** OHCS may 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. Applicants may only apply for funding of one (1) phase of a multi-phase Project under this NOFA.
- 6.8** OHCS assesses an Application charge. A check for the Application charge is required at application **submission and must be received by the application due date.**
- 6.9** 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 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.
- 6.10** OHCS reserves the right:
- A. to amend this NOFA prior to the closing date;
  - B. to amend the deadline for submitting Applications;
  - C. to determine whether an Application does or does not substantially comply with the requirements of this NOFA;
  - D. to waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;

- E. to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;
- F. at any time prior to execution of Agreement Documents (including after announcement of the apparent Reservation) to reject any Application that fails to comply with the requirements of this NOFA;
- G. 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;
- H. to use adherence with components of the Applicant's Application and this NOFA as scoring criteria in future multifamily funding solicitations;
- I. to withdraw any funding source from this NOFA; and
- J. to waive any term or condition of this NOFA for good cause as determined by OHCS.

**6.11** 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.

**6.12** 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:

**813-005-0025**

**Solicitation Protests; Administrative and Judicial Review**

(1)(a) With respect to any solicitation conducted by the department, an applicant or potential qualifying applicant may protest or otherwise challenge such solicitation process by first requesting administrative review as herein specified.

(b) With respect to any solicitation conducted by the department, 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.

(c) 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.

(d) Failure to file a timely, qualifying request for administrative review with the department 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.

(2)(a) An applicant under this section is a person or entity that makes an application (including delivery to the department under the terms of the solicitation) for a department funding award pursuant to a particular department solicitation.

(b) A potential qualifying applicant is a person or entity that qualifies to make an application for a department 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.

(3)(a) 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 the department within fourteen (14) days of the application due date of the solicitation.

(b) An applicant seeking to protest or otherwise challenge a determination by the department related to a solicitation must request review by the department of such determination within fourteen (14) days of the applicant receiving notice from the department of that determination.

(4) Any request for review under this section must be in writing, specifically identifying:

(a) 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;

(b) The relief sought;

(c) Each of the grounds for review;

(d) An explanation for each of the grounds upon which relief should be granted; and

(e) Any supporting information the requestor desires to have considered by the department.

(5) The envelope containing the request for review MUST:

(a) Be marked PROTEST;

(b) Identify the solicitation number;

(c) Identify the closing time and date for acceptance of solicitation applications;

(d) Identify the department's contact person for the solicitation; and

(e) Be received by the department 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 the department of the department determination from which review is requested, whichever due date is applicable under this section.

(6) The applicant will be deemed to have received notice of a department determination upon the sooner of:

- (a) Three (3) days after the department's determination is mailed to the applicant;
  - (b) Two (2) days after such determination is posted to the department's website;
  - (c) Two (2) days after the list of successful solicitation applicants is posted to the department's website;  
or
  - (d) One (1) day after such determination is emailed to the applicant.
- (7) The department may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.
- (8) The department will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.
- (9) Judicial review of the department response to a timely, qualifying request for review shall be limited to those grounds the requestor raised with the department in its request for review.
- (10) The filing of a request for review, or subsequent judicial review (if any), will not preclude the department 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.

**6.13** OHCS' contact person for this NOFA is Amy Cole. Her contact information is as follows:

Oregon Housing and Community Services  
Attn: Amy Cole  
725 Summer Street NE, Suite B  
Salem, OR 97301  
Email: [HCS.PSH@oregon.gov](mailto:HCS.PSH@oregon.gov)

**6.13** Reservations, Allocations or Awards by OHCS (collectively, "Determinations") may be subject to Council review under ORS 456.561, and Determinations where additional OHCS funding supporting such Determinations are subject to Council review, are contingent upon Council 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.

**6.14** All Reservations made pursuant to this NOFA are subject to the successful negotiation, execution, and recording (if required) of any and all Agreement Documents. Projects that have only a leasehold interest in relevant real property must include, among relevant Agreement Documents, 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.

- 6.15** OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in negotiating and preparing Agreement Documents and other related documents. OHCS also may charge and Applicant shall pay any other fees allowed by OHCS administrative rules with respect to the Application, ensuing Reservation, Award or Allocation, and Project operation.
- 6.16** Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.
- 6.17** 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.