

# Affordable Housing Funding Notice



Oregon Housing and Community Services

Notice of Funding Availability (NOFA) # 2021-8  
Affordable Housing Development for Veterans Housing

NOFA Issued Date: **June 14, 2021**  
Pre-Application Due Date: **June 28, 2021 4:00 PM PST**  
Final Application Due Date: **Aug 17, 2021 4:00 PM PST**

Version 1.0  
[www.oregon.gov/ohcs](http://www.oregon.gov/ohcs)



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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 addition of new affordable multifamily rental housing developments (“Project” or “Projects”) that will serve statewide qualified low-income veteran households earning at or below 80% area median income (AMI) and may be experiencing chronic homelessness. The primary source of funding under this NOFA comes from the General Housing Account Program (GHAP) described in Oregon Revised Statutes (“ORS”) ORS 458.665 and Oregon Administrative Rules (“OAR”) Chapter 813 Division 55.

## 1.2. NOFA Funding Sources, Allocation and Funding Limit Categories:

### 1.2.1. VGHAP:

GHAP has a twenty-five percent veterans assistance set-aside of funds that is commonly referred to as “VGHAP”. The use of funding from this set-aside must serve veterans. All Project units funded through this NOFA must serve veterans as a set-aside population as defined in section 1.3.14 or as OHCS may define in accordance with statute.

Funding available through this NOFA is based on current unreserved veterans GHAP resources and interest earnings and is to be reserved for Projects that meet specified eligible Application parameters. If additional GHAP resources become available from interest earnings or other means, OHCS reserves the right to add those to the resources that are awarded from this NOFA. If, for a reason, beyond OHCS’ control, the amount of GHAP funds available is less than anticipated, OHCS reserves the right to decrease the amount of GHAP funds available in this offering. If there is a Project that cannot be funded with the remaining GHAP resources, OHCS may leverage OHCS gap funding resources to fully fund a Project.

All GHAP and VGHAP Program Requirements governing funding (as outlined in Section 1.3.7) and relevant to a particular Application must be satisfied by the Applicant to qualify for funding under this NOFA.

1. Up to **\$11,600,000** (“VGHAP funds”) are available through this NOFA.
2. GHAP set-asides for regional areas in this NOFA are:
  - a. \$5,800,000 for Projects in Urban areas
  - b. \$5,800,000 for Projects in Rural areas
3. Maximum subsidy limits by unit type:

Unit Types	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom
Subsidy Limits	\$150,000	\$210,000	\$265,000	\$325,000

### 1.2.2. OAHTC:

OHCS is offering \$4 million in Oregon Affordable Housing Tax Credits (OAHTC). This resource is a state income tax credit that produces lower rents in new construction and acquisition rehabilitation projects. The OAHTC allows banks to reduce interest rates on loans for affordable housing by 4% and claim a state income tax credit equal to the lost interest

income caused by the lower rate. Property owners must agree to pass 100% of interest savings to low-income tenants in the form of permanent rent reductions. This is known as rent passthrough. Passthrough is not required on preservation project loans. The reduction in the loans interest may benefit the development of the project directly. Applications may request no more than \$3,000,000 per Project.

### **1.2.3. Permanent Supportive Housing (PSH):**

Permanent Supportive Housing, or PSH, is rental housing that is deeply affordable to households experiencing homelessness and with extremely low incomes and provides comprehensive on-site tenancy support services. PSH slots that include project-based rental assistance and services funding are available to Projects applying for VGHAP capital funds that are planning to implement PSH for chronically homeless veterans. This NOFA offers up to 30 units of PSH assistance. Projects seeking to include this resource for PSH must utilize both rental assistance and services funding as they cannot be offered separately when paired with VGHAP capital resources. PSH slots will only be awarded to Projects that receive capital funding through this NOFA. Applicants who apply for and receive a reservation for PSH project-based rental assistance and services slots must agree to participate in the OHCS-sponsored Supportive Housing Institute. Projects utilizing PSH resources must comply with all PSH Program Requirements, including housing chronically homeless households, utilizing Coordinated Entry for tenant referrals, adhering to income and rent limits, and providing comprehensive on-site tenancy support services with appropriate staff-to-household ratios. For more information, please refer to the OHCS PSH Rental Assistance Framework and the PSH Services Framework or contact Dana Schultz, Permanent Supportive Housing Program Manager, at [Dana.SCHULTZ@oregon.gov](mailto:Dana.SCHULTZ@oregon.gov).

### **1.2.4. 4% Low Income Housing Tax Credits:**

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, the applicant will complete the Application for funding making sure to fill out all information about 4% LIHTC. This provides OHCS will all the information needed for a 4% LIHTC pre-Application. Information on the LIHTC program can be found here: <https://www.oregon.gov/ohcs/development/Pages/nofa-four-percent-lihtc.aspx>.

## **1.3. Definitions:**

### **1.3.1. Affirmatively Furthering Fair Housing:**

Affirmatively Furthering Fair Housing (AFFH) is a provision of the 1968 federal Fair Housing Act<sup>1</sup> that legally requires that all federal departments and agencies, as well as grantees of federal funding, must administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers the purposes of the Fair Housing Act. Since the Fair Housing Act has two main purposes – to prevent discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability and to reverse housing segregation - affirmatively furthering fair housing is essentially fulfilling the dual purpose of the law. Specifically, as enforced by the

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<sup>1</sup> For further information, see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608, and Executive Order 12892.

U.S. Department of Housing and Urban Development (HUD), affirmatively furthering fair housing means engaging in meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity based on protected characteristics by replacing segregated living patterns with truly integrated and balanced living patterns that foster inclusion, by transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and by ensuring compliance with civil rights and fair housing laws.

**1.3.2. Affordability:**

To be considered affordable housing, Projects must restrict Project rents and incomes at or below 80% AMI, as determined by HUD. A list of current Income and Rent Limits can be found by visiting the link “Income and Rent Limits” under the “Housing Compliance” tab located on OHCS’ homepage found at: <https://www.oregon.gov/ohcs/compliance-monitoring/Pages/rent-income-limits.aspx>

**1.3.3. Agreement Documents:**

“Agreement Documents” means the funding documents that outline the contractual agreement between OHCS and the Project owner entity for the Project to constitute as affordable housing, the final form of which are satisfactory to OHCS, in consultation with the Oregon Department of Justice and executed in connection with the Project.

**1.3.4. Allocation:**

“Allocation” includes any funding allocated under this NOFA.

**1.3.5. Applicants:**

“Applicants” means persons or entities submitting an Application responsive to this NOFA and assuming the responsibility for complying with all funding requirements and ownership.

**1.3.6. Chronic Homelessness:**

The HUD definition of chronic homelessness is as follows:

1. A “chronically homeless” individual means a “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who 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. Who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or as described in paragraph 4 below; and
3. Who has been homeless and living as described in paragraph (2) of this definition continuously for at least 12 months (one year) or on at least 4 separate occasions in the last 3 years, where each homeless occasion was at least 15 days, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (2).
4. A person who is “chronically homeless” also includes 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. Stays in

institutional care facilities for fewer than 90 days will not constitute a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility.

5. Chronically homeless families are families with an adult head of household (or if there is no adult in the family, a minor head of household) who meets the definition of a chronically homeless individual, including a family whose composition has fluctuated while the head of household has been homeless.

### **1.3.7. OHCS Guidelines:**

OHCS Guidelines can be found online at [www.oregon.gov/ohcs/](http://www.oregon.gov/ohcs/) in the “grants and tax credits” link. For the purposes of this NOFA, applicable guidelines include but are not limited to the Qualified Action Plan (QAP), General Policy & Guidance Manual (GPGM), General Housing Account Program manual (GHAP), and Core Development Manual (CDM).

### **1.3.8. Permanent Supportive Housing (PSH):**

Permanent Supportive Housing (PSH) means housing for persons who are experiencing homelessness and have a disability; such housing includes a housing unit, comprehensive on-site tenancy support services, and rental assistance. Please note: PSH is appropriate for and serves a wide variety of populations; the PSH in this NOFA focuses on serving Veterans who are experiencing chronic homelessness as defined in Section 1.3.6.

### **1.3.9. Procore™ WorkCenter:**

Procore™ WorkCenter is a secure portal technology solution by ProLink Solutions™ and used by OHCS to help facilitate collaboration and communication models for all Applicants and future housing partners. The Procore™ WorkCenter includes a repository for electronic document submission, a task management and tracking tool, an events calendar, and communication features.

### **1.3.10. Regional Area(s)**

“Regional Area(s)” means the areas as defined in Sections 1.3.11 and 1.3.13.

### **1.3.11. Rural Areas:**

“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.

### **1.3.12. Set-Aside:**

“Set-aside” means if funds in either the Urban or Rural areas are under-subscribed, the remaining available Regional Area set-aside funds will be made available to fund qualified projects in the other Regional Area.

### **1.3.13. Urban Areas:**

“Urban Areas” means an eligible category for receiving VGHP funds through this NOFA which serve all other areas in Oregon that aren’t included in the “Rural Areas” definition.

### **1.3.14. Veteran:**

“Veteran”<sup>2</sup> means a person who:

1. Served on active duty with the Armed Forces of the United States for:
  - a. A period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;
  - b. A period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;
  - c. 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;
  - d. 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or
  - e. At least one day in a combat zone and was discharged or released from active duty under honorable conditions.
2. Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or
3. Is receiving a non-service-connected pension from the United States Department of Veterans Affairs.

## **1.4. Reservation of Funds Process:**

### **1.4.1. Application Ranking Process:**

1. Funds are reserved by OHCS on a competitive basis to Projects of qualifying Applicants that:
  - a. Meet the Threshold Requirements (section 3.1); and
  - b. Achieve a minimum of 60 points in Competitive Scoring out of a total maximum of 100.
2. If either the Urban or Rural areas set-asides are under-subscribed, the remaining available Regional Area set-aside funds will move to the other Regional Area to fund eligible projects.
3. Projects with scattered sites in both Urban and Rural Areas will be categorized in the Regional Area set-aside for the site containing the most units.
4. During the scoring and reservation process, limits on the remaining available funding may result either in lower-ranked Applications receiving a reservation of funding under this NOFA (“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).
5. 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.

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<sup>2</sup> Note: The definition of Veterans for the purposes of this NOFA is found at ORS 458.610 and conforms to any statutory changes as an amendment may occur from time to time.

#### **1.4.2. Tie Breaking Rule:**

If the total evaluation scores of two or more Applications result in a tie and funding availability is insufficient to fund all tied Applications, the following criteria, in order of priority, will break the tie:

1. The Application with the highest Services score will first receive a Reservation.
2. If the Resident Services scores are tied among two or more of the immediately above-described Applications, the Application with the highest Community Need score will first receive a Reservation.
3. If the Community Need scores are tied, the Application with the lowest GHAP subsidy per unit requested through this NOFA will first receive a Reservation.

#### **1.4.3. Selections and Recommendations for Funding:**

1. After scoring is completed and projects ranked according to section 1.4.1 and 1.4.2, funding is allocated to projects in order of rank until depleted.
2. Projects able to be funded by rank are then presented to the Housing Stability Council as recommended for funding.
3. The final selection of Applications for Award, if any, will come from those Applications that best meet the competitive scoring requirements, as further recommended by the Executive Director and approved by the Housing Stability Council (“Council”), and made in accordance with available Funding Sources.

#### **1.4.4. Funding Awards:**

Applicants, if any, that OHCS determines to provide a reservation of funding pursuant to this NOFA will be designated as awardees (“Awardee(s)”) in the conditional commitments issued to them by OHCS (“Reservation and Conditions Letter”). All Reservations are conditional in nature, contingent upon the terms upon which they are made, approval by the 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.

### **1.5. NOFA Requirements:**

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

#### **1.5.1. Eligible Activity:**

1. A request for funds shall not exceed the available funds in this NOFA (section 1.2.)
2. A request for funds shall not exceed the maximum per-unit subsidy allowed (section 1.2.1.3)
3. Project budgets must include GHAP capital funding through this NOFA. For example, a project may not request PSH rent assistance and/or services funding without a request for GHAP capital funds.
4. Projects must be owned by a single asset entity (SAE). The SAE must be established prior to construction closing or disbursement of any OHCS funds.<sup>3</sup>

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<sup>3</sup> OHCS may at its sole discretion waive this requirement if it finds it unreasonably inhibits the project.



5. Projects must serve veteran households.
6. The Project must offer long-term leases (one year or more).
7. Projects must result in net new units. The following types of activities are eligible:
  - a. new construction
  - b. conversion of non-residential structures to residential units
8. Projects involving permanent relocation of residence will not be accepted.
9. Applicants may only submit one Application per Project site. OHCS will only accept one Application for a specific site or for any part of the same site, regardless of whether Applications are submitted by the same Applicant or by multiple Applicants. If there is more than one Application received for the same site, or any part of the same site, OHCS may disqualify one or all the Applications. The non-refundable Application charge for each Applicant will be retained by OHCS.
10. Each Applicant may submit no more than two applications in response to this NOFA.

**1.5.2. Affordability Periods and Funding Source Restrictions:**

1. All projects funded through this NOFA must, at minimum, be restricted for an Affordability Period required through each funding source that assists the Project as referenced in this section.
2. All projects using OAHTC must restrict affordable units with OAHTC incomes for at least 20 years and at least 70% AMI or lower.
3. Projects utilizing PSH rent assistance and services funding must intend to operate PSH and serve households experiencing chronic homelessness for at least 15 years.
4. Income and Rent restrictions are based on LIHTC limits.
5. Rents and Incomes:

Programs	Rent Restriction	Income Restriction	Affordability Period
<b>GHAP</b>	80% AMI	80% AMI	60 years
<b>OAHTC</b>	70% AMI	70% AMI	20 years
<b>PSH Slots</b>	60% AMI	60% AMI	N/A*

*\*Contract Terms for OHCS PSH Services Funding and Rental Assistance will be no less than 15 years, contingent on biennial funding appropriations by the Legislature.*

**1.5.3. Underwriting Guidelines:**

Underwriting guidelines are used by OHCS in its due diligence and Project review process to ensure ongoing Project viability and risk mitigation throughout the application process and development. Such guidelines are 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. No operating reserves may be funded with OHCS funds awarded through this NOFA
5. No more than 10% of funds can be used to capitalize replacement reserves
6. Capitalized operating reserve equal to six months operating expenses and debt service
7. Minimum annual replacement reserve deposit of \$450 per unit
8. Prior to closing, a Phase I environmental study is required. The study must be no older than one year from the date of Application.

9. Demonstration of meeting BOLI compliance prior to construction closing
10. A 10% holdback of the GHAP award through project completion
11. If other public capital or operating subsidies are used in financing the Project, relevant requirements of those subsidy sources will also apply.

#### **1.5.4. Compliance Monitoring:**

Compliance monitoring will be sufficient to cover the due diligence of OHCS. A compliance monitoring charge of \$25 per rental unit will be required annually. This charge may be adjusted over time by OHCS in its sole discretion. Monitoring will address elements of Project operation, including but not limited to:

1. Initial household income verification
2. Annual income verification, including self-certification
3. Risk-based physical inspections every 1-3 years based on Project condition
4. Veteran status

#### **1.5.5. Layering Restrictions:**

If public capital or operating subsidy are used from other sources, relevant compliance requirements of those sources will also apply. For example, if 4% LIHTCs are used, all 4% LIHTC compliance requirements, including increased compliance monitoring charges, will apply. In general, where there are overlapping restrictions, the most restrictive will apply.

#### **1.5.6. MWESB:**

All Applicants will be responsible for adherence to and reporting of Minority, Women's and or Emerging Small Business (MWESB) Engagement Minority, Women's and/or Emerging Small Business (MWESB) Engagement policy:

1. All Applicants will be required to identify plans to contact and contract with MWESB contractors and subcontractors for pre-bidding and bidding opportunities in the construction and operation of the proposed Project. This engagement should include engineering, architecture, planning, legal assistance and management agents.
2. Projects that receive an award will be required to submit a report to OHCS demonstrating outcomes of pre-bidding and bidding opportunity efforts with MWESB contractors/subcontractors.
3. Applicants will be required to provide a profile of the management agent, history of addressing racial and equity, summary of marketing, culturally relevant publications, and organizations' plans addressing racial and equity goals utilized in leasing Plan.
4. Applicants will provide plans to use culturally relevant resident services addressing racial equity goals and marketing plans relative to area demographics.

## **2. Application**

### **2.1. Pre-Application and Application Access:**

To apply for funds under this NOFA there are two main steps; submission of a brief Pre-Application along with a Site Review Checklist (required to access the full Application), and submission of the full VGHAP Application. The process is as follows:

- 2.1.1.** Download the Pre-Application and Site Review Checklist from the OHCS website, here: <https://www.oregon.gov/ohcs/Pages/multifamily-housing-funding-opportunities.aspx>  
*Please note: attachments to the site review checklist are not required at pre-application, but are required at submission of a full Application.*
- 2.1.2.** Submit the completed Pre-Application and Site Review Checklist to [MFNOFA@oregon.gov](mailto:MFNOFA@oregon.gov) by the due date and time listed in section 2.2.1. This action will alert OHCS staff to generate Procorem access credentials for the Project. Staff will generate the Procorem credentials within 3 business days of receiving the Pre-Application and Site Review Checklist.
- 2.1.3.** Once credentials are received, go to the Procorem login page: <https://app.procorem.com/login> to access the full VGHAP Application. The full Application will be uploaded to Procorem WorkCenters by **July 6, 2021**.

## **2.2. Submissions:**

### **2.2.1. The Pre-Application:**

The Pre-Application along with all required materials and documentation must be received according to the steps in Section 2.1 by the Pre-Application due date and time of **June 28, 2021 at 4:00 PM PST**.

*There is no pre-application fee*

### **2.2.2. The Application:**

The Application along with all required supplementals and documentation must be uploaded to the Procorem WorkCenter by the Application due date and time of **August 17, 2021 at 4:00 PM PST**. 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.*

### **2.2.3. Application Submission Charge:**

1. Must be postmarked no later than **August 17, 2021**.
2. Applicants must submit application charges via mail. OHCS cannot accept electronic payment for Application charges and because of COVID restrictions cannot accept hand-delivered payments.
3. Applicants must submit Application charges to the address below along with the transmittal form provided in the Application.
4. Application charges are not refundable once an Application is submitted and charges deposited.

Send Application Charges to:  
Attn: Accounting (503)986-6760  
Oregon Housing and Community Services  
725 Summer St. NE, Suite B  
Salem, OR 97301

## **2.3. NOFA Questions:**

- 2.3.1.** Inquiries relating to the NOFA process, its administration, or the substantive technical portions of the NOFA should be directed to: MFNOFA@oregon.gov
- 2.3.2.** Please note "VGHAP NOFA" in the subject line. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and NOFA WorkCenters related to this NOFA at regular intervals during the time that the NOFA response period is open. The NOFA response period closes on **August 4, 2021**. When appropriate, revisions, substitutions, or clarifications shall be issued as a Technical Advisory and considered a revision to this NOFA.
- 2.3.3.** 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 on the department fund offering page: <https://www.oregon.gov/ohcs/Pages/multifamily-housing-funding-opportunities.aspx>

## **3. Evaluation Process**

If Applications pass the Threshold Review (described below in Section 3.1) which includes timeliness, completeness, and pass/fail criteria, they will move to scoring. If at any point, an Application fails to pass Threshold Review or meet Threshold requirements, the Application will be rejected and not be reviewed or scored further.

### **3.1. Threshold Review Determination:**

Applications determined by OHCS to be incomplete, not meet all submission requirements of this NOFA, or otherwise fail to satisfy Threshold Review requirements will be rejected without further review. Applications considered complete, meeting all submission requirements, and otherwise satisfying all Threshold Review requirements by OHCS will be scored based on criteria listed in section 3.3 Competitive Scoring.

### **3.2. Threshold Requirements:**

#### **3.2.1. Timeliness and completeness:**

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

1. Application properly submitted and received by due date and time as required in Section 2.2
2. Charge Transmittal Form and Application Charge received timely.
3. Board of Directors Resolution received (if applicable)
4. Organizational Documents received (if applicable)
5. Project meets the minimum Project qualifications (see Section 1.)

#### **3.2.2. Resident Services Description:**

Applicants must submit a Resident Services Description at the time of Application, which describes in as much detail as possible, the scope of what will be the final resident services plan, the desired goals, any partners, and the implementation plan. If a project is planning to develop PSH, a PSH Services Budget and, if applicable, evidence of commitment of a Services Provider will be required. The PSH Services Budget is a preliminary budget and can be in any format of the applicant's choosing.

### **3.2.3. Ownership Integrity:**

Applicants must adhere to the following:

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.  
*It is not required for the single asset entity to be established by the time of Application.*
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 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 years.
4. Neither Applicant nor any member or principal within the Project ownership or management will have been debarred or otherwise sanctioned by OHCS.

### **3.2.4. Readiness to Proceed:**

Applications must demonstrate the Project's readiness to proceed based on zoning and site control:

#### **1. Zoning:**

The Project must be properly zoned for the type of intended Project. The Applicant must provide the Certification of Zoning executed by the appropriate zoning authority to verify this. Projects that must complete a zoning change to develop the Project will not be funded.

#### **2. Site Control:**

The Applicant must have site control for the Project site at Application, as evidenced by one of the following:

- a. a recorded deed or conveyance showing the Applicant is the owner of the site,
- b. a valid purchase and sale agreement valid through 12/31/2021,
- c. a valid option to purchase valid through 12/31/2021,
- d. a valid option for a long-term lease (at least 62 years), and satisfactory to OHCS, or
- e. other evidence satisfactory to OHCS.

The name on the evidence of site control and the Application must be exactly the same. The site control document should also identify the exact same area as the Project site listed in the Application and the exact same cost for the land and/or existing buildings for the Project referenced in the development budget provided with the Application. If the site description in the Application and the site control document are not exactly the same, the Applicant must provide a narrative description and supporting documentation to clarify how the area and cost for the Project were established.

*The Zoning and Site Control form are available through the WorkCenter.*

### **3.2.5. Federal Project Resources Status:**

If the Applicant has identified federal resources (such as rental or capital assistance from HUD, USDA-RD, or VA) as part of the funding structure, the Applicant must provide evidence satisfactory to OHCS that an application for these resources has been submitted and remains active or that demonstrates that the sources are secured for the Project. For RD, this is a Pre-Application Consultation Letter that includes a summary of the contact and

understanding established to-date as well as expectations about the next steps in the process.

*Applicant should provide this information in the notes cell on the Budget Sources worksheet in the Application. Any evidence should be uploaded in the final submission folder and named "Federal Resources Evidence".*

### **3.2.6. Adequacy of Development Schedule:**

1. Within the development schedule provided in the Application, the Applicant must demonstrate compliance with the required deadlines for each applicable funding program applied for. These may include: VGHAP, LIHTC, PSH, MEP, and/or OAHTC.
2. The Applicant's development schedule must clearly demonstrate that the Project will be ready to close within 240 days of a Reservation from OHCS. Additionally, the schedule must show that funds will be invested in, the Project will be constructed, leased, and stabilized within all required Program timeframes. These deadlines are published in the appropriate OHCS Program Manuals and available on OHCS' website.

### **3.2.7. Adequacy of the Site Review Checklist:**

Applicants must have identified if there is any adverse environmental or site condition information indicated on the Project Site Checklist submitted at the time of Pre-Application that may make the Project and/or construction unsuitable. Depending on the impact to the Project, the Applicant must provide a satisfactory mitigation plan for any materially adverse information revealed in the Project Site Checklist or subsequently identified.

### **3.2.8. Core-Development Documents (CDD):**

Applicants must submit the Core-Development Documents ("CDDs"), defined in Part 3 of the Core Development Manual (CDM). The CDM Version 3.1 must be used with this NOFA.

### **3.2.9. Development Team Capacity:**

Use the Development Team Capacity form provided in WorkCenters to respond to the following criteria. A real estate holdings worksheet may be uploaded as a second document.

1. **Construction Experience:**
  - a. Applicants must have and demonstrate a successful history of leading residential construction development of 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.
  - b. If experience is limited, the Applicant must demonstrate mitigation for this concern in some way, for example, by partnering with a consultant or other experienced entity.
2. **Financing Experience:**
  - a. Applicants must have a successful history of closing the requested combination of financing, such as tax credit, mortgage financing, HOME funds, and other grant or government grant and loan programs.
  - b. If experience is limited, the Applicant must demonstrate mitigation for this concern in some way, for example, by partnering with a consultant or other experienced entity.
3. **Development Team Experience:**

Applicants can demonstrate experience for this category by providing evidence of the following:

- a. Management of similarly comprised development teams.
  - b. Explanation of the development team experience with Projects of this type, size, and scope.
  - c. If an Applicant has multiple Project reservations, provide an explanation how the development team has the capacity to administratively and financially support all Projects simultaneously.
4. **Financial Capacity:**
- a. The Applicant's financial condition must not indicate any adverse conditions that might materially impair the Applicant's ability to perform the financial obligations as Sponsor during the construction or stabilization of the Project.
  - b. Provide a Real Estate Owned Schedule. The Applicant's existing real estate portfolio must be stable and self-supporting. If there are any significant problem properties, there must be a reasonable mitigation plan.

### **3.3. Competitive Scoring:**

If the Application meets the criteria set out in Sections 3.1 through 3.2 above, then the Application will be competitively scored according to the scoring criteria described below.

#### **3.3.1. Development and Operating Pro Forma Review: (Up to 2 points)**

- 1. Pro Forma includes only realistic and available (committed) resources for funding. Capital fundraising campaigns that are not completed at the time of Application are not considered realistic and available resources.
- 2. Debt coverage ratio is a minimum of 1.15:1 of hard amortizing debt. When utilizing OAHTC funds, the minimum debt coverage ratio is required to be met after OAHTC pass through.

#### **3.3.2. Reasonable Request and Demonstrated Need for Resources: (Up to 5 points)**

- 1. Rents are affordable to the target population.
- 2. Minimum debt coverage ratio of 1.20 on all "must-pay" debt.
- 3. Cash flow within OHCS guidelines or adequately explained (1.25 or below, unless adequately explained or declining cash flows require a higher debt coverage).
- 4. Vacancy rate at 7%, 2% annual escalation of rents, and 3% annual escalation of expenses or adequately explained.
- 5. Submitted reserve or replacement analysis and included an adequate amount for replacement items in pro forma.

#### **3.3.3. Well documented and Explained Construction Costs: (Up to 3 points)**

- 1. Construction documents substantially agree with the pro forma.
- 2. Construction estimates substantially agree with the pro forma.
- 3. Contractor overhead, profit, and general conditions are within the required range, as identified in NOFA instructions.

#### **3.3.4. Resident Services: (Up to 20 points)**

The Applicant must provide a Resident Services Description on the resident services form that is provided with the Application in Procorem WorkCenters. Memoranda of Understanding (MOU) for any services are required at Application. The Resident Services Description form is available in the WorkCenter. The Description must describe in as much detail as possible; the scope and what services are specifically focused on serving the

veterans population and responsive to the following goals and guidelines for all units in the Project below.

1. Explain how services are designed to be responsive to the needs of the focus population. Describe partnerships with organizations that have demonstrated experience and proved expertise in working with the target population. (4 points)
2. What is the approach to outreach and referral for the Project? Please be sure that the answer demonstrates an understanding of the focused population needs. ***If applying for PSH services/rent assistance slots, include a high-level description of the referral process for the PSH units in the answer, which needs to include Coordinated Entry.*** (2 points)
3. Describe how the Project residents will be provided the opportunity to access services that promote levels of self-sufficiency, independent living, and positive life choices through coordination, collaboration, and community linkages. ***If applying for PSH services/rent assistance slots, please include a description of tenancy supports to be offered, including intended service delivery partnerships, if applicable, in the answer.*** (4 points)
4. Discuss how the Project will incorporate innovation or interventions that are likely to deliver better outcomes for veterans. (4 points)
5. Describe the Project's approach for ensuring that barriers are proactively removed for underserved veterans especially people of color, persons who identify as LGBTIAQ+ and women in accessing and maintaining tenancy. (4 points)
6. Describe how outcomes will be tracked. (2 points)

### **3.3.5. Minority, Women, and/or Emerging Small Business (MWESB) Engagement: (Up to 5 points)**

Applications will be scored on their approach to MWESB engagement and contracting and how well this implements the following parts of the OHCS MWESB policy. Answer the following questions for each category in the Application:

1. Identify Owners MWESB/SDVBE COBID Certified firm participation goal for Project and how the goal was determined.
  - a. Include what percentage of construction budget has the developer committed towards BIPOC owned subcontractors. Ex. 20%, 30%
  - b. Provide how this percentage was determined.
2. Outline the steps the construction team will take to achieve the owner's goals for participation from COBID certified subcontractors and suppliers.
  - a. Include what steps will be taken in ensure the best outcome to meet the developer's commitment to its MWESB participation goals.
  - b. Explain how both the general contractor and the developer will ensure solicitation to the BIPOC construction community.
3. Provide a summary of the general contractor's profile and team member demographics.
  - a. Include if the general contractor a BIPOC contractor or COBID member.
  - b. Provide demographics (men, women, POC, etc.) of the general contractor's staff and team members.



4. Provide details for the general contractor's history of addressing MWESB/SDVBE sub-contractor diversity, equity and inclusion in affordable rental housing projects. Include an outline of how the General Contractor has engaged with MWESB/SDVBE sub-contractor diversity, equity, and inclusion within the last 10 years.

### **3.3.6. Location Efficiency: (Up to 10 Points)**

1. **Walk-ability;** score from <http://www.walkscore.com/cities-and-neighborhoods/> ; 2 points if 70+, 1 point if 50-69, 0 points if under 50;
2. **Food Access;** score from <http://www.ers.usda.gov/dataproducts/food-access-research-atlas/go-to-the-atlas.aspx#.Uw9-EOOwI5I> ; 2 points if grocery store within a half a mile / within 5 miles if rural, 1 point if not in a USDA Food Desert;
3. **Medical Access;** 2 points if available within 1 mile / within 5 miles if rural, 1 point if within 5 miles / 10 miles if rural;
4. **Public Transit;** 2 points if available within ¼ mile or a Transit Score from <http://www.walkscore.com/cities-and-neighborhoods/> of 70+ / within 5 miles if rural, 1 point if within ½ mile or Transit Score of 50+ / within 10 miles if rural;
5. **Education for family housing;** 2 points if schools or libraries are within ½ mile / within 5 if rural.

*If the Project is a scattered site, then Applicant must provide the values for all sites. The final score will be based on a weighted average of all sites.*

### **3.3.7. Community Need (Up to 6 points)**

1. Provide information about the veteran community in the project area. Include demographics and other sourced information. If requesting PSH funding, include information about veterans experiencing chronic homelessness.
2. Define the housing needs and the challenges the veteran community faces in securing housing. Describe how the needs are identified and how this Project will address those needs.

### **3.3.8. Collaboration (Up to 8 points)**

1. Describe the partners in the Project and define each of their role(s).
2. Explain the leverage of other financial resources in the Project.

### **3.3.9. Barrier Reduction (Up to 9 points)**

1. Describe how accessibility features are incorporated into the Project and to what degree the units in the Project are accessible.
2. Describe how the Project incorporates unique building features that contribute to the health and overall wellbeing of the residents and community. Explain the inclusion of complementary or responsive building design.
3. Describe activities and strategies the Project plans to implement that reduce barriers to accessing permanent housing. List strategies to reduce barriers to accessing and maintaining tenancy or housing.

### **3.3.10. Area Median Income served: (Up to 5 points)**

Average Median Income (AMI) Restrictions on restricted units:

1. 50% of units affordable at or below 30% AMI, 5 points
2. 40% of units affordable at or below 30% AMI, 4 points
3. 30% of units affordable at or below 30% AMI, 3 points
4. 20% of units affordable at or below 30% AMI, 2 points

### **3.3.11. Focus on Homeless Veterans: (Up to 4 points)**

1. 4 points if targeting Veterans experiencing homelessness and/or chronic homelessness for 25% or more of the affordable units in the Project
2. 2 points if targeting less than 25% of affordable units
3. 0 points if no homeless targeting

### **3.3.12. Lower Subsidy per Unit (Up to 8 points)**

Criteria; Divide the project request of GHAP by the subsidy cap in Section 1.2.1 applied toward the following scale for point score;

1. 20% - 40% = 2 points
2. 41% - 60% = 4 points
3. 61% - 80% = 6 points
4. 81% or greater = 8 points

*Round percentages down to the nearest whole point. Based on Proforma and financial information reported in NOFA Application*

### **3.3.13. Development Team Capacity: (Up to 5 points)**

The Development Team Capacity form provided in WorkCenters to respond to the following criteria. A real estate holdings worksheet may be uploaded as a second document.

1. **Construction Experience:** Applicants must 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. If experience is limited, the Applicant must demonstrate mitigation for this concern.
2. **Financing Experience:** Applicants must have a successful history of closing the requested combination of financing, such as mortgage financing, and other grant or government loan programs. If experience is limited, the Applicant must demonstrate how it will meet this experience gap or other mitigation for this concern.
3. **Management Experience:** Applicants have a successful history of managing existing Projects with a Veteran population and programs of similar size and scope. If experience is limited, the Applicant must demonstrate mitigation for this concern.
4. **Development Team Experience:** Applicants must show a history of managing similarly comprised development teams. The development team must be appropriate for a Project of this type, size, and scope.
5. If an Applicant has multiple Project reservations, the development team must have the capacity to administratively and financially support all Projects simultaneously.

### **3.3.14. Readiness to Proceed (up to 10 Points)**

Application must demonstrate the Project's readiness to proceed based on responses in the Application pertaining to sections 3.2.4 through 3.2.7.

### **3.3.15. Federally Declared Wildfire Disaster Area (Up to 5 points)**

Up to five points will be attributed based on adopted scoring for areas impacted by the 2020 Wildfires. These points are scaled in relation to the overall housing impact within the 8 federally declared disaster area counties, focusing on cities and Census Tracts as appropriate. Additional detail on these points can be found in the established methodology

document at;

<https://www.oregon.gov/ohcs/development/Documents/nofa/2021/FederallyDeclaredDisasterArea-PreferenceforNOFA.pdf> as well as established within the NOFA score sheet.

## 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 Agreement Documents but only if affirmatively so stated in the Agreement 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 the VGHP/GHAP Project Requirements and other OHCS policies, including execution of the Agreement 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. Applicants may only apply for funding of one (1) phase of a multi-phase Project under this NOFA.
- 4.8. 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.
- 4.9. ORS 60.701 requires foreign corporations to 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.
- 4.10. OHCS reserves the right:
  - 4.10.1. to amend this NOFA prior to the closing date;
  - 4.10.2. to amend the deadline for submitting Applications;
  - 4.10.3. to determine whether an Application does or does not substantially comply with the requirements of this NOFA;
  - 4.10.4. to waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;

- 4.10.5.** to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;
- 4.10.6.** to reject any Application that fails to comply with the requirements of this NOFA, at any time prior to execution of the Agreement Documents (including after announcement of the apparent Reservation)
- 4.10.7.** 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;
- 4.10.8.** to use adherence with components of the Applicant's Application and this NOFA as consideration for scoring criteria in future multifamily funding solicitations;
- 4.10.9.** to withdraw any funding source from this NOFA; and
- 4.10.10.** to waive any term or condition of this NOFA for good cause as determined by OHCS.
- 4.11.** 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. All Applications are public record and are subject to public inspection after Agency 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.
- 4.12.** 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. Agency 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.
- 4.13.** 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:
- 4.14.** 813-005-0025 Solicitation Protests; Administrative and Judicial Review
  - 4.14.1.** 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 an administrative review as herein specified.
    1. 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.
    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 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.

- 4.14.2.** 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. 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.
- 4.14.3.** 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 a review by the department within fourteen (14) days of the Application due date of the solicitation. 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.
- 4.14.4.** 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 the department.
- 4.14.5.** 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 the department's contact person for the solicitation; and
  5. 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.
- 4.14.6.** The applicant will be deemed to have received notice of a department determination upon the sooner of:
6. Three (3) days after the department's determination is mailed to the applicant;
  7. Two (2) days after such determination is posted to the department's website;
  8. Two (2) days after the list of successful solicitation applicants is posted to the department's website; or
  9. One (1) day after such determination is emailed to the applicant.
- 4.14.7.** The department may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.
- 4.14.8.** The department will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.
- 4.14.9.** 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.

- 4.14.10.** 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.
- 4.15.** OHCS' contact person for this NOFA is Edward Brown. His contact information is as follows:  
Oregon Housing and Community Services  
Attn: Edward Brown  
725 Summer Street NE, Suite B  
Salem, OR 97301  
Email: MFNOFA@oregon.gov
- 4.16.** 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.
- 4.17.** 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 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.
- 4.18.** By accepting a reservation of funding from this NOFA the Applicant must withdraw other funding pursuits through OHCS's future NOFAs for the Project.
- 4.19.** OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in negotiating and preparing all Agreement 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.
- 4.20.** Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.
- 4.21.** 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.