

# Affordable Housing Funding Notice



Oregon Housing and Community Services

Notice of Funding Availability (NOFA) 2022-8  
Affordable Housing Development for Veterans Housing

NOFA Issued Date: **June 14, 2022**  
Pre-Application Due Date: **June 30, 2022 4:00 PM PST**  
Final Application Due Date: **Aug 25, 2022 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 homelessness or 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. General Housing Account Program (GHAP)

GHAP is funded through the record filing fee charged and collected at the county assessor’s office and deposited in the County Assessment and Taxation Fund (CATF) created under ORS 294.187. From that fund, 76% is transferred into the GHAP account. The GHAP Program provides capital funds in the form of grants and loans to expand the state’s supply of affordable rental housing. 25% of funding collected under the GHAP Program is required by statute to serve veterans. This mandated set-aside of funds is commonly referred to as Veterans GHAP “VGHAP”. All Projects funded through this NOFA must serve veterans as defined in section 1.3.

Funding available through this NOFA is based on current unreserved VGHAP resources and is reserved for Projects that meet specified eligible Application parameters. If additional resources become available, OHCS reserves the right to add those to the resources that are available through this NOFA. If, for a reason beyond OHCS’ control, the amount of available GHAP funds is less than anticipated, OHCS reserves the right to decrease the amount of GHAP funds available in this NOFA. If during the process of selecting projects for Reservation, there remains insufficient funds to fully award the next Project in order of selection, OHCS may, at its discretion, leverage additional funding resources to fully fund an additional Project to use all remaining funds offered through this NOFA.

### 1.2.2. Oregon Affordable Housing Tax Credits (OAHTC):

OAHTC are a state income tax credit that produces lower rents via reduced interest rates on loans in new construction and acquisition rehabilitation projects. The OAHTC program allows banks to lower interest rates on loans for affordable housing by up to 4% and claim a state income tax credit equal to the lost interest income caused by the lower rate. Projects must 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. In that type of Project, the reduction in the loan’s interest charges may be used directly to benefit the Project's budget. Projects may request no more OAHTCs than the value of the loan.

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

OHCS is making 25 slots of Permanent Supportive Housing (PSH) project-based rental assistance and tenancy support services available for applicants seeking to develop PSH units in their Project. Projects must serve qualified low-income veteran households that are

Chronically Homeless, as defined in this NOFA or otherwise locally defined by a region's Continuum of Care (CoC) or the community-wide homelessness services system. Households should be assessed and identified by a region's Coordinated Entry system. To best serve PSH-eligible veteran households, PSH projects must utilize project-based rental assistance and provide on-site, comprehensive tenancy support services that allow for long-term housing stability and wellness. Applicants who apply for and receive a reservation for PSH project-based rental assistance and/or services slots must agree to participate in the OHCS-sponsored Supportive Housing Institute, if a project has not already completed one. Projects utilizing PSH resources must comply with all PSH Program requirements. 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: [Dana.SCHULTZ@hcs.oregon.gov](mailto:Dana.SCHULTZ@hcs.oregon.gov).

### **1.3. Definitions:**

#### **1.3.1. 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 primary 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 fulfilling the dual purpose of the law. Specifically, as enforced by the 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. Agreement Documents:**

The legal funding documents, the final form of which is satisfactory to OHCS, in consultation with the Oregon Department of Justice and executed in connection with the Project.

#### **1.3.3. Allocation:**

Includes any funding or tax credits allocated through this NOFA.

#### **1.3.4. Applicants:**

Persons or entities submitting an Application responsive to this NOFA and assuming the responsibility for complying with all funding requirements and ownership.

#### **1.3.5. Chronic Homelessness:**

Households identified as chronically homeless by a project's local Continuum of Care (CoC). If no definition exists, "chronically homeless households" means:

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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.

1. an individual who:
  - a. Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter;
  - b. 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
  - c. 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 facilities, for fewer than 90 days and met all 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 the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

#### **1.3.6. Continuum of Care (CoC):**

A regional or local planning body that coordinates housing and services funding for families and individuals experiencing homelessness. The group organized to carry out the responsibilities required under 24 CFR part 578 and is composed of representatives of organizations, including nonprofit homeless service providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless individuals to the extent these groups are represented within the geographic area and are available to participate.

#### **1.3.7. Coordinated Entry:**

A centralized or coordinated 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, operated by a region's Continuum of Care.

#### **1.3.8. Homeless and Homeless Persons:**

For the purposes of this NOFA, the terms "Homeless" and "Homeless Persons," follows the HUD definition of Homeless.

[https://files.hudexchange.info/resources/documents/HomelessDefinition\\_RecordkeepingRequirementsandCriteria.pdf](https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf)

#### **1.3.9. 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 General Policy & Guidance Manual (GPGM), General Housing Account Program manual (GHAP Manual), and Core Development Manual (CDM).

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

Is a housing or program type that combines a leased unit with rental assistance and comprehensive tenancy support services for persons experiencing chronic homelessness so that they may live independently. 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 1.3.5.

### **1.3.11. 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.

### **1.3.12. Regional Area(s):**

The areas as defined in Sections 1.3.14 and 1.3.15.

### **1.3.13. Regional Set-Aside:**

Funding reserved for a specific geographic Regional Area.

### **1.3.14. Rural Areas:**

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, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties) and in communities with a population of 40,000 or less in the balance of the State.

### **1.3.15. Urban Areas:**

Areas which serve all other parts of Oregon that aren't included in the "Rural Areas" definition.

### **1.3.16. Veteran:**

has the meaning given in ORS 408.225 and also includes a person who served in the military, naval, or air service that has been discharged or released from that service and has been determined by the United States Department of Veteran's Affairs to be eligible to receive any benefit from that Department.

## **1.4. Funding Process**

### **1.4.1. Application Ranking**

1. Projects are reserved funds on a competitive basis based on the scoring criteria in Section 3. Projects are ranked in order of highest to lowest score.
2. For projects to receive a score, they must first meet Threshold Requirements (section 3.1).
3. To be eligible for a reservation of funds, Projects must score a minimum of 60 points out of a total maximum of 100.
4. Projects are first grouped by their Regional Set-Aside and selected in those set-asides for a reservation of funds in order of their score until the next Project can no longer be fully funded with funds held in that set-aside.

5. Projects with scattered sites in both Urban and Rural Areas will be categorized in the Regional Set-Aside for the Regional Area containing the most units in the Project.
6. 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 reservations, or OHCS may leverage other OHCS resources to fully fund the higher-ranked Application(s) as it determines available.

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

If the total score 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 Resident 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 Reservations:**

1. After scoring is completed and Applications are prioritized for funding according to sections 1.4.1 and 1.4.2, Application selections are then presented to the Housing Stability Council as recommended for funding and approval.
2. The final selection of Applications for Reservation, if any, will come from those Applications that best meet the competitive scoring requirements, as further recommended by OHCS’s Executive Director, and approved by the Housing Stability Council (“Council”), and made in accordance with available Funds.
3. 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 Reservation and Conditions Letter (RCL) issued by OHCS. 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 requirements apply to all Projects funded through this NOFA (“Project Requirements”):

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

1. Any request for funds shall not exceed the available funds offered through this NOFA and any request for funds shall not exceed the maximum per-unit subsidy permitted in section 1.5.3.
2. 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
3. Projects involving the permanent relocation of existing tenants will not be accepted.
4. 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.
5. Each Applicant may submit up to two applications in response to this NOFA.

### **1.5.2. Project Requirements**

1. 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>2</sup>
2. The Project must offer long-term leases (one year or more).
3. Project budgets must include GHAP capital funding offered 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. Capital funding awarded through this NOFA must serve veterans by way of restricting units to house veterans as the target population. Projects must at a minimum reserve a proportionate percentage of units to serve veterans as the percentage of OHCS funding toward the overall construction budget of the Project. For example, if the total OHCS funding accounts for 75% of the Project's total budget then at least 75% of the Project's units must be set-aside to serve veterans. Fractions must be rounded up to the nearest whole unit. For example, 75% of 10 units would be at least 8 units reserved for veterans.
5. At a minimum, 30% of Project units must serve veterans to qualify for funding through this NOFA.
6. For Projects that are not 100% restricted to serving veterans, the veteran restricted units may "float" within the units of a designated Project site. This means that the restrictions are not tied to specific physical units in the Project site but to the total number of restricted units within a site.
7. All Projects must comply with applicable labor laws. Projects must contact the Oregon Bureau of Labor and Industries (BOLI) and receive a determination of project labor wage requirements prior to construction closing.
8. In a mixed-use Project, commercial income may not be used to support the low-income residential Project.

### **1.5.3. Affordability Periods and Funding Source Restrictions**

1. Projects using OAHTC must restrict affordable units with OAHTC affordability restrictions for at least 20 years and at 70% AMI or lower.
2. Projects utilizing PSH rent assistance or services funding must intend to operate PSH and serve households experiencing chronic homelessness for at least 15 years.
3. Up to **\$19,500,000** ("VGHAP funds") are available through this NOFA.
4. Regional Set-Asides (defined in section 1.3) for this NOFA are:
  - a. \$9,750,000 for Projects in Urban areas
  - b. \$9,750,000 for Projects in Rural areas

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<sup>2</sup> OHCS may at its sole discretion waive this requirement if it finds it unreasonably inhibits the project.



5. Maximum subsidy limits by unit type:

Unit Types	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom
Subsidy Limit	\$145,000	\$200,000	\$250,000	\$300,000
Homeless Unit Subsidy Limit*	\$174,000	\$240,000	\$300,000	\$360,000

\*To qualify as a homeless unit, the unit must serve Homeless Persons as defined in section 1.3 for the duration of the affordability period.

6. Income and Rent restrictions are based on LIHTC program limits, which are defined by HUD’s Multifamily Tax Subsidy Projects (MTSP) Income Limits.
7. The following chart lists the rent, income, and affordability restriction requirements of each source offered through this NOFA:

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**

\*OAHTC Passthrough cannot be demonstrated on units with Project Based Rental Assistance.

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

**1.5.4. Underwriting Guidelines**

Underwriting guidelines are used by OHCS in its due diligence and Application review process to ensure ongoing Project viability and risk mitigation throughout the Application process and development. This includes, but is not limited to:

1. The Project must demonstrate with OHCS’s Application Proforma a minimum debt service coverage ratio of 1.20 on all "must-pay" debt.
2. 7% vacancy rate.
3. 2% annual escalation of rents and 3% annual 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 construction replacement reserves.
6. The initial capitalized operating reserve needs to be equal to six months of the operating expenses and debt service as shown in the application on the Operating Budget sheet. (Note: the application must show annual expenses. The annual expense amount must be divided by two to calculate expenses for six months.)
7. Minimum annual replacement reserve deposit of \$450 per unit.
8. Prior to closing, a Phase 1 Environmental Site Assessment (ESA) is required. The study must be no older than one year from the date of Application. If a Phase 1 ESA has already been performed in this time period it must be submitted with Site Reivew Checklist.
9. OHCS requires a 10% holdback of the GHAP award through project completion.
10. If other public capital or operating subsidies are used in financing the Project, relevant requirements of those subsidy sources will also apply.

### **1.5.5. Compliance Monitoring**

Compliance monitoring will be sufficient to cover the due diligence of OHCS. A compliance monitoring charge of \$25 per rental unit is required annually. This charge may be adjusted over time by OHCS at 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. Eligible veteran status

### **1.5.6. Layering Restrictions**

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

### **1.5.7. Minority, Women, Emerging Small Businesses (MWESB)**

OHCS requires participants to seek COBID and non-COBID MWESB professional firms to increase the participation level of minority-owned businesses in its construction project to meet OHCS' MWESB goal. OHCS also encourages the utilization of local labor and partnering with the community to help build healthy, affordable homes, which addresses OHCS' goal of increasing apprenticeship programs in Oregon and improving economic and social vitality while increasing pathways out of poverty.

Applications will be scored on their approach to MWESB engagement and contracting and how well this implements the OHCS MWESB policy. OHCS MWESB Manual and reports can be located at: <https://www.oregon.gov/ohcs/development/Pages/mwesb-sdvbe-rental-housing.aspx>

All Applicants will be required to identify an approach and targets that they will use to contract with MWESB COBID contractors/subcontractors in the construction and operation of the proposed Project.

The general contractor and the developer can utilize and include non-COBID certified BIPOC firms in their MWESB reporting, provided that the MWESB firm listed will be encouraged and assisted to become a COBID certified firm prior to construction completion of the Project.

## **2. Application**

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

To apply for funds under this NOFA there are two main steps: 1. submission of a pre-application along with a site review checklist (required to receive access the application), and 2. submission of the full Veterans NOFA 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>

- 2.1.2.** Required attachments for the Site Review Checklist are not required at pre-application but are required at the submission of the Application.
- 2.1.3.** Submit the completed pre-application and Site Review Checklist to [MFNOFA@hcs.oregon.gov](mailto:MFNOFA@hcs.oregon.gov) by the due date and time listed in section 2.2.1. This action will alert OHCS to generate Procorem access credentials for the Project. OHCS expects to generate the Procorem credentials within three business days of the Pre-Application due date.
- 2.1.4.** Once credentials are received, go to the Procorem login page: <https://app.procorem.com/login> to your Applicant WorkCenter and access the Veterans NOFA Application. The Application will be uploaded to all Procorem WorkCenters **July 7, 2022**.

## **2.2. Submissions**

### **2.2.1. 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 30, 2022 at 4:00 PM PST**. There is no pre-application fee.

### **2.2.2. Application**

The Application along with all required supplementals and documentation must be uploaded to the Applicant's Procorem WorkCenter by the Application due date and time of **August 25, 2022 at 4:00 PM PST**. Instructions for required materials and submission are on the first tab of the Application.

Applications can only be submitted electronically through Procorem. Hard copies, faxes, and electronic copies not submitted through Procorem will be rejected and not reviewed or considered for funding.

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

1. Must be postmarked no later than **August 25, 2022**.
2. Applicants must submit application charges via mail. OHCS cannot accept electronic payment for Application charges.
3. Payments must be sent with the **transmittal form**. This form is provided inside the Application Excel document as its own tab. It is vital that you remit payment along with this printed form for proper routing.
4. Application charges are not refundable once an Application is submitted and charges deposited.

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.** Send all questions relating to the NOFA to: [MFNOFA@hcs.oregon.gov](mailto:MFNOFA@hcs.oregon.gov)

- 2.3.2.** Please note "Veterans NOFA" in the subject line. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and Applicant Procurement WorkCenters related to this NOFA at regular intervals during the time that the NOFA response period is open and considered an addition or clarification to this NOFA. The NOFA response period is available from the time of this NOFA release until **August 16, 2022**.
- 2.3.3.** Changes or modifications to the NOFA 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**

After the Application submission deadline, Applications will undergo Threshold Review (described in Section 3.1) which includes timeliness, completeness, and pass/fail criteria. Applications that satisfy Threshold Review will pass on to scoring.

#### **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.

#### **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 included with application submission (if applicable)
4. Organizational Documents included with application submission (if applicable)
5. The Project meets the required Project criteria listed in Sections 1 and 2.

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

Applicants must submit a Resident Services Description at the time of Application, which describes in detail, the scope of the implementation plan, the desired goals, any partners, and the final resident services plan. If a project plans to develop PSH units, a PSH Services Budget and evidence of the commitment of a Services Provider is required. The PSH Services Budget is a preliminary budget and must be submitted on the PSH Services Budget Template that is part of the Application Excel Workbook.

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

Applicants must adhere to the following:

1. 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.

2. 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.
3. 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. A Certificate of Zoning form is provided in the Project WorkCenter.

2. **Site Control:**

Applicant must have control of the land necessary for the Project by the Application deadline. Site Control information is provided in the application and Site Control evidence must be uploaded along with the Application. Option and sales agreements must be valid through the end of calendar year 2022.

#### **3.2.5. Federal Funding Status**

If the Applicant has identified federal resources (such as rental or capital assistance from the US Dept. of Housing and Urban Development (HUD), US Dept. of Agriculture-Rural Development (USDA-RD), or Veterans Affairs (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 USDA-RD, this is a Pre-Application Consultation Letter that includes the contact and a summary of the understanding established to-date as well as expectations about the next steps in the process.

Applicants 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 but are not limited to: VGHAP, PSH, and OAHTC.
2. The Applicant's development schedule must clearly demonstrate that the Project will be ready to close within 240 days of a reservation of funds 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 applicable 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 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 Core-Development Documents (“CDDs”) located in Part 3 of the Core Development Manual (CDM). All Projects provided a reservation of funding through this NOFA must adhere to the CDM Version 3.1.

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

Define the Development Team Capacity by filling out the narratives tab of the Application to respond to the following criteria.

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 rehabilitation construction.
  - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, 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 federal or state tax credits, mortgage financing, HUD HOME or HTF funds, and other grant or government funding programs.
  - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, 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's experience with Projects of this type, size, and scope.
  - c. If an Applicant has multiple Project reservations, provide an explanation of 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.
  - c. The Applicant’s real estate holdings must be uploaded to the Project WorkCenter as a separate document.

## **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. Demonstration of Financial Viability (up to 10 points)

1. Well-documented and explained construction costs in the Application Proforma. At a minimum, the following criteria will be used to help determine score; however, scorers may use any part of the proforma and any evidence in the application to help score this section. (up to 5 points)
  - a. Development budget is adequately explained with construction documents & estimates substantially agreeing with the pro forma. Construction & Development contingencies are within OHCS guidelines.
  - b. Contractor overhead, profit and general conditions are within the required range, as identified in the OHCS General Program and Guidelines Manual (GPGM).
  - c. Developer Fee is within OHCS allowances for project type and size.
  - d. If Commercial Real Estate is included in the Project (i.e., a mixed-used Project), Sources and Uses are provided in the correct column of the proforma.
2. Reasonable request and demonstrated need for resources. At a minimum, the following criteria will be used to help determine score; however, scorers may use any part of the proforma and any evidence in the application to help score this section. (up to 5 points)
  - a. Rents are affordable to the target population, and any project-based rental subsidy is documented.
  - b. Operating expenses are within OHCS guidelines or adequately explained if underwritten to other funding program criteria (FHA, FHLMC, FNMA, USDA).
  - c. Vacancy rate at 7% or adequately explained.
  - d. 2% annual escalation of rents and 3% annual escalation of expenses or adequately explained.

### 3.3.2. Resident Services: (Up to 20 points)

The Applicant must provide a Resident Services (RS) Description on the resident services form that is provided with the Application in Procorem WorkCenters. Memoranda of Understanding (MOU) for any services must be submitted along with the Application. If services are provided by the Sponsor, a letter of commitment from the Sponsor is required. The Resident Services Description form is available in the WorkCenter. The RS description must carefully detail the scope of services and how these services are specifically focused on serving the veterans population. The RS description must also clarify how services will be responsive to the following goals and guidelines for all units in the Project:

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 proven 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 focus population's 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. If the Project is not utilizing Coordinated Entry, please explain why not and what coordinated referral process will be used. Projects can only propose to use a process other than Coordinated Entry if they have identified a coordinated process designed to address racial inequity and/or a Coordinated Entry system is not available in their community.*** (3 points)
3. Describe how Project residents will 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 the on-site tenancy supports that will be offered, including intended staffing models and 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. (3 points)
5. Describe the Project's approach for ensuring that barriers in accessing and maintaining tenancy are proactively removed for underserved veterans, especially people of color, persons who identify as LGBTQIA+, and women. (4 points)
6. Describe how outcomes will be tracked. ***If applying for PSH services/rent assistance slots, please describe the anticipated outcomes for the Project's PSH Program and how outcomes will be tracked. PSH Service Providers are expected to track PSH household data and retention outcomes in HMIS. Describe the experience of the provider in data tracking and outcomes reporting, and their capacity to utilize HMIS for this program.*** (2 points)

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

This section is scored based on Application responses to the criteria below in the Application's MWESB Engagement Strategy tab:

1. Identify owners MWESB COBID certified and non-certified firm participation goal according to the Project's region and how the goal was determined.
  - a. Include what percentage of the construction cost (including Architect, Engineering, Attorney) participation goal the developer has committed towards MWESB owned subcontractors.
  - b. Provide how percentages were determined.
2. Outline the steps the construction team will take to achieve the owner's MWESB participation goals for subcontractors and suppliers.
  - a. Include what steps will be taken in ensuring the best outcome to meet the developer's commitment to its participation goals.
  - b. Explain how both the general contractor and the developer will ensure solicitation to the COBID and non-COBID construction community. For example, where will bid opportunities be publicized, what minority owned, women owned, veterans/service-disabled veteran owned, and emerging small businesses communities will be contacted.
3. Provide a summary of the general contractor's profile and team member demographics.
  - a. Include if the general contractor is a MWESB contractor or COBID member.
  - b. Provide demographics of the general contractor's staff and team members.
4. Provide details for the general contractor's history of addressing MWESB subcontractor diversity, equity, and inclusion in affordable rental housing projects (list any classes, seminars, or programs attended). Include an outline of how the general contractor has engaged with MWESB subcontractor diversity, equity, and inclusion within the last 3 years (projects partnerships and collaborations).



#### **3.3.4. Location: (Up to 4 points)**

1. If Project is not in a USDA food desert. OHCS uses data from the following link (under Critical Service Gaps): <https://ejscreen.epa.gov/mapper/>; (1 point)
2. Project is in a census tract where 50% or more of households earned more than 100% of the area median income in the last three consecutive years for which data is available, and the poverty rate is less than or equal to 20% during the same period; (1 point)
3. Project has access to School / Education / Library / Workforce Training within ½ mile if an Urban Project and within 5 miles if a Rural Project; (1 point)
4. Projects in Urban Areas; Project is in a TOD or within half (1/2) mile of fixed transit stop; (1 point). Projects in Rural Areas; has access to transit options; (1 point)

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 based on the number of units. Scores are then rounded to the nearest whole number.

#### **3.3.5. 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.

#### **3.3.6. Collaboration (Up to 6 points)**

1. Describe each of the partners in the Project and define each of their role(s). These include financial, service providers, managers, consultants, community organizations, culturally specific organizations, and developers.
2. Explain the leverage of financial resources other than provided by OHCS in the Project.

#### **3.3.7. Project Design (Up to 7 points)**

Describe how the Project incorporates building features that contribute to the health and overall wellbeing of the residents and community. This may include but is not limited to explaining how the project incorporates: the natural landscape, native flora, responsive to local weather, includes common regional design, explaining how the units an Project were designed to serve the target population, detailing any green building or conservational designs, etc. If applicable, explain how the community was engaged in the development of the Project's design. ***If applying for PSH services/rent assistance slots, describe how the design of the Project is tenant-centered including physical design elements, location, how the population being served was/is a part of the design process (physical and/or services design), and how tenants will be able to provide feedback and participate in site and programmatic changes.***

#### **3.3.8. Barrier Reduction (Up to 4 points)**

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.

### **3.3.9. Averaged Affordability Restrictions (Up to 5 points)**

The Application will automatically calculate eligible points for this scoring category based on the rents provided in the Rents and Incomes table of the proforma. Points in this section are earned by providing greater affordability restrictions than minimally required by GHAP (80% AMI). To calculate this, the AMI of all affordable units in the Project are averaged, this is referred to as the Average Gross Median Income (AGMI) of the project. Projects earn 1 point for every 10% AGMI below 80%. A maximum of 5 points can be earned. For example, a project with an AGMI of 30% earns 5 points.

### **3.3.10. Focus on Serving Homeless Veterans (Up to 4 points)**

1. 4 points if setting-aside 25% or more of the the affordable units in the Project to serve veterans experiencing homelessness or chronic homelessness.
2. 2 points if setting-aside less than 25% of affordable units in the Project.
3. 0 points if there are no homeless units in the Project.

### **3.3.11. VGHAP Subsidy Per Unit (Up to 8 points)**

The Application will automatically calculate eligible points for this scoring category based on the VGHAP request in the Budget Sources table of the proforma. These points are earned by calculating the Project's maximum eligible subsidy by unit request (See section 1.5.3.5) divided by the Project's VGHAP capital request. 1 point is earned for every 10% the project requests below the maximum subsidy per unit. Example; if the Project requests 30% below the maximum subsidy allowed, the Project earns 3 points. A maximum of 8 points may be earned. Values are not rounded; 29.9% is eligible for 2 points.

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

Respond to the following criteria in the application on the narratives sheet.

1. **Construction Experience:** Describe staff experience leading 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. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern.
2. **Financing Experience:** Describe staff experience closing the requested combination of financing, such as tax credit, mortgage financing, GHAP funds, and other grant or government grant or loan programs. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern.
3. **Management Experience:** Describe the Applicants experience with management of similarly comprised development and or project teams.
4. **Development Team Experience:** Describe the development team's experience with projects similar to that of the proposed Project Application's type, size, and scope.
5. **Multiple Project Reservations:** If applicant has multiple project reservations with OHCS, explain how the development team has the capacity to support all projects simultaneously administratively and financially.
6. **Only for Projects requesting OHCS PSH PBRA and services resources:** Describe how Applicant's partner for providing PSH Services (or Applicant themselves) has a successful history of working with the population being served.
7. **Only for Projects requesting OHCS PSH PBRA and services resources:** Describe Service Provider's experience collecting and reporting, or the capacity to begin collecting and reporting, PSH data via HMIS (\*current utilization of HMIS is not a requirement). If

requesting PSH Rental Assistance and Services Funding, describe the Service Provider's organizational experience and/or the capacity to track and report all financial activities for PSH operations funding.

8. **Portfolio Performance:** Provide any additional information for the scoring team to be aware of regarding the Applicant's asset management and portfolio compliance.

9. **Real Estate Holdings:** Applicants are required to submit a Schedule of Real Estate Holdings (REO schedule) on projects with 10 or more units or when the project cost is more than \$500,000. Submit the REO schedule along with the Application. The REO schedule can be provided in a format currently in use by the sponsor or see the below link for a format provided by OHCS.

<https://www.oregon.gov/ohcs/development/Documents/admin/Schedule-Real-Estate-Holdings-Schedule9.xls>

### **3.3.13. Readiness to Proceed (Up to 7 points)**

Applications must demonstrate the Project's readiness to proceed based on the following criteria:

#### **1. Project Development Schedule (Up to 2 Points)**

- a. Demonstrates that construction can begin within 12 months of funding reservation.
- b. The development schedule appears adequate and reasonable.

#### **2. Environmental Site Checklist (up to 5 points)**

Projects can earn up to five points for submitting a completed Environmental Site Checklist. The number of possible points is reduced by 1 point for each item in the following list that is either not completed or determined unacceptable:

- a. Submission of a fully completed and signed checklist.
- b. The overall suitability of the site.
- c. Included appropriate Radon and USGS maps.
- d. Includes the distances to various retail and public services, public transportation, and schools along with a labeled vicinity map.
- e. Detailed nature of existing structures on the site including recent onsite photos.
- f. Soil suitability, environmental hazards, safety concerns, noise problems, or air quality issues (documented via soil study/Geotech/Phase 1ESA/etc.)
- g. Historic preservation (documented via information from SHPO, local historical societies, city, or county planners, or interested Tribes, if applicable),
- h. Flood plain and wetlands issues (documented by FEMA FIRMette map).
- i. Solid waste, wastewater, and storm water.
- j. Federally Listed Species and Designated Critical Habitats.
- k. Depending on the environmental impact to the Project, the Applicant must provide a satisfactory mitigation plan for any materially adverse impact indicated in the Project Site Checklist.

### **3.3.14. Tribal Participation (up to 2 points)**

Up to 2 additional points will be given to projects that are sponsored or co-sponsored by a federally recognized tribal government or its tribally designated housing entities or tribal corporate entities. The Project can be located on or off tribal trust land to receive these points.

### **3.3.15. OHCS PSH Institute Completion (2 points)**

Projects that have participated in and completed Oregon Supportive Housing Institute will receive 2 points.

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

Up to five points will be attributed based on OHCS 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 VGHAP/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 postmarked 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 a 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@hcs.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.