

Affordable Housing Funding Notice



Oregon Housing and Community Services

MULTIPLE AWARD OPPORTUNITY NOTICE OF FUNDING AVAILABILITY (NOFA) #2023-9

Homeless Housing Response and Capacity Strengthening NOFA

NOFA Issued Date: **Monday, July 24, 2023**
NOFA Webinar: **Tuesday, August 1, 2023 2:00-3:00 pm**
Pre-Application Due By: Friday, **August ~~11~~ 25, 2023**
Application Due Date: **Friday, October ~~13~~ 27, 2023**

Application Due Time: **4:00 PM PST**

Version ~~1.0~~ 2.0

725 Summer Street NE, Suite B, Salem, Oregon 97301-1266
(503) 986-2000, TTY (503) 986-2100



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1.0 INTRODUCTION

1.1 Purpose

Oregon Housing and Community Services Department (“OHCS”), is seeking applications (“Applications”) in this Homeless Housing Response and Capacity Strengthening Notice of Funding Availability (“NOFA”) to create service-enriched, affordable multifamily rental housing developments (“Projects”) for Qualifying Populations (QPs) using HOME Investment Partnership (HOME) Resources authorized through the American Rescue Plan (HOME ARP).

Capacity strengthening resources are also available to support regional collaboration, growth, and development of housing staff and efforts, organization and regional capacity strengthening, expansion of resources, and comprehensive planning towards the development of a proposal package for HOME ARP-funded service-enriched housing for households at-risk of homelessness and those currently experiencing homelessness. Capacity strengthening grants are funded through two separate sources, the General Housing Account’s Capacity Building Program (GHAP CB) and HOME ARP.

1.2 Funding Sources, Allocations, and Funding Limit Categories

Funds for this NOFA may be allocated from federal, state, or other local funds. It is the responsibility of the Applicant to have read the relevant manual and requirements for each funding source for which they apply. OHCS has set aside the following amounts for this NOFA and reserves the right to add resources to fund selected projects fully:

A. HOME ARP Development Resources: \$25,000,000

There is a minimum request of \$2,000,000 in HOME ARP capital resources per rental development project for this NOFA. All current HOME Participating Jurisdictions (PJs) in Oregon (Clackamas, Marion, Multnomah, and Washington Counties and the cities of Salem and Eugene/Springfield) have received their own allocation of HOME ARP funds. Project proposals within those geographic areas are not eligible for OHCS HOME ARP funding included in this NOFA as further reflected in the map on page 5.

B. HOME ARP Capacity Building and Operating Support Funds: \$3,000,000

HUD HOME ARP resources are available to provide nonprofit organizations with capacity building assistance and organization operating support (not project operating) annually for the duration of the project development through the completion of the project lease up. There are 3 ways these resources can be accessed, these resources are not being allocated by region:

1. Non-profit organizations that are awarded HOME ARP development resources may automatically request up to \$50,000 annually in HOME ARP Operating Support resources for the duration of the development and lease-up of the project without submitting a through this NOFA.
2. Non-profit organizations that apply for HOME ARP development funding and are not selected for HOME ARP development funding may request HOME ARP Capacity Building and/or Operating Support funds after the NOFA selection process has been completed. An application for HOME ARP Capacity Building and/or operating support funds will be provided upon request to applicants that meet these criteria.

For non-profit organizations awarded HOME ARP Capacity Building and/or Operating Support funds, HUD expects submission of an application for HOME ARP development funding within 2 years. On a first come, first served basis, applicants awarded these resources will be allowed to submit a completed application for any unallocated HOME ARP Development resources for a period of 24 months without having to participate in a competitive NOFA process.

3. Nonprofit organizations that submit a successful application for GHAP Capacity Strengthening funds may be awarded HOME ARP Capacity Building and/or Operating Support funds in lieu of or in addition to GHAP Capacity Strengthening funds at OHCS's discretion.

C. GHAP Capacity Building Funds: \$2,000,000

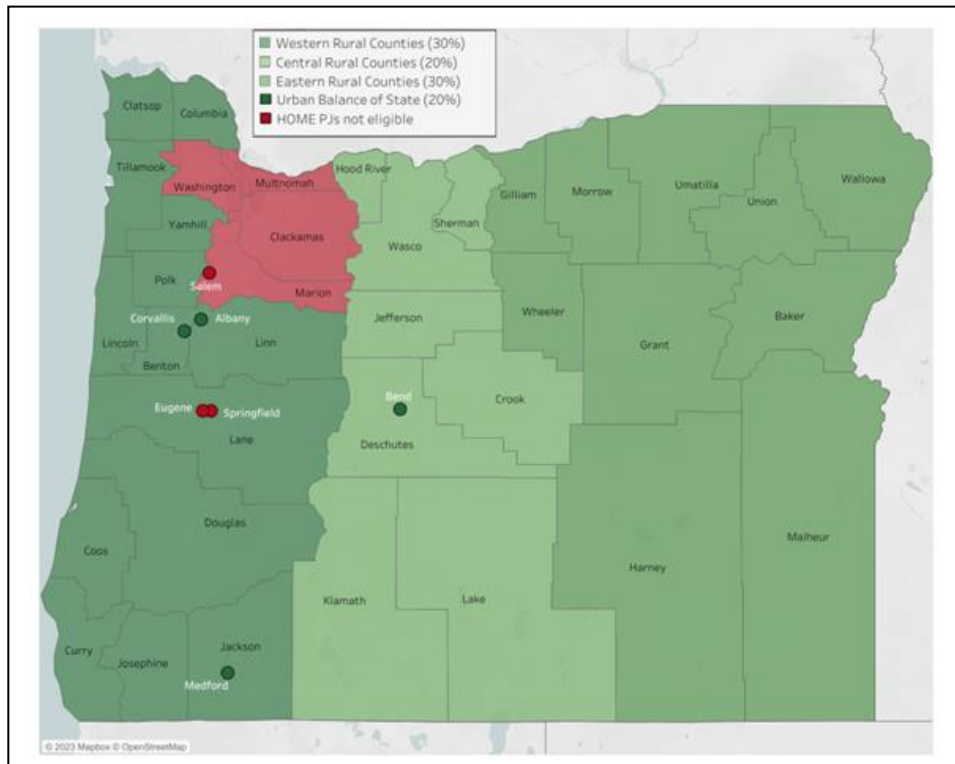
GHAP Capacity Building (GHAP CB) resources will be made available to support eligible Homeless Housing Response and Capacity Strengthening efforts to increase the ability of rural communities to develop service enriched housing for very low-income households. Requirements for applying for these resources can be found starting on page 21 of this NOFA.

On a first come, first served basis, applicants awarded GHAP Capacity Building resources will be able to submit a completed application for HOME ARP Development resources for any unallocated HOME ARP Development resources for a period of 24 months without having to participate in a competitive NOFA process.

1.3 Funding Set-Asides

HOME ARP development and GHAP Capacity Building resources included in this Homeless Housing Response and Capacity Strengthening Grant NOFA will be allocated using the regional set asides and corresponding funding percentages indicated in the map below. Should a region be undersubscribed, OHCS reserves the right to reallocate unused dollars within a region or to another region, and to make necessary adjustments to target funding for geographic locations which may include focused populations or areas of greatest need identified at the Agency's discretion, and in accordance with the requirements in this NOFA and applicable ORSs and OARs. Projects located in HOME PJs (indicated in red) are not eligible to apply for this NOFA.

- 1. Western Rural Counties (30%):** *Benton, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Polk, Tillamook, Yamhill*
 - \$7,500,000 HOME ARP development
 - \$450,000 GHAP Capacity Building
- 2. Central Rural Counties (20%):** *Crook, Deschutes, Hood River, Jefferson, Klamath, Lake, Sherman, Wasco*
 - \$5,000,000 HOME ARP development
 - \$300,000 GHAP Capacity Building
- 3. Eastern Rural Counties (30%):** *Baker, Gilliam, Grant, Harney, Malheur, Morrow, Wallowa, Wheeler, Umatilla, Union*
 - \$7,500,000 HOME ARP development
 - \$450,000 GHAP Capacity Building
- 4. Urban Balance of State (20%):** *Bend, Medford, Albany, Corvallis*
 - \$5,000,000 HOME ARP development
 - \$300,000 GHAP Capacity Building



1.4 DEFINITIONS

For purposes of this NOFA, the following terms shall have the following meanings:

Affirmatively Furthering Fair Housing: A provision of the 1968 federal Fair Housing Act¹ 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 taking 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 by transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and by fostering and maintaining compliance with civil rights and fair housing laws.

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

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

Allocation includes any funding allocated under this NOFA.

Applicants means persons or entities submitting an Application in response to this NOFA.

Balance of State: means any City, County, or other geographic region in Oregon that is not served by its own HUD Participating Jurisdiction to administer the HOME program. As of the release of this NOFA, the regions of Oregon served by their own HUD PJ and thus not considered Balance of State are: City of Eugene, City of Springfield, City of Salem, Clackamas County, Marion County, Multnomah County, and Washington County

Community Based Organization (CBO) a community-based organization is a non-profit organization that is representative of a community or significant segments of a community, identifies priority issues and solutions in a process led by or in partnership with the service community, works to meet community needs, and provides educational or direct services to individuals in the community.

Communities of Color: identity-based communities that hold a primary racial identity that describes shared racial characteristics among community members. The term aims to define a characteristic of the community that its members share (such as being African American) that supports self-definition by community members, and that typically denotes a shared history and current/historic experiences of racism. Given that race is a socially defined construct, the definitions of these communities are dynamic and evolve across time.

Culturally Responsive Organization (CRO): an entity that comprehensively addresses power relationships throughout the organization, from the types of services it provides and how it maximizes language accessibility to its human resources practices-who it hires, how they are skilled, prepared and held accountable, to its cultural norms, its governance structures and policies, and its track record in addressing conflicts and dynamics of inclusion and exclusion, to its relationships with racial groups in the region, including its responsiveness to expectations. Furthermore, a Culturally Responsive Organization is one that is dynamic, on a committed path to improvement and one that is hardwired to be responsive to the interests of Communities of Color. Culturally responsive organizations hire and train culturally and linguistically diverse staff to meet the needs of the diverse communities they serve.

Culturally Responsive Services (CRS): Services that have been adapted to maximize the respect of and relevance to the beliefs, practices, culture and linguistic needs of the diverse client populations and communities being served, including clients and communities of color. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. Culturally responsive services assure competent language access and incorporate diverse cultural approaches, strengths, perspectives, experiences, frames of reference, values, norms and performance styles of clients and communities to make services and programs more welcoming, accessible, appropriate, and effective for all eligible and intended recipients. Culturally responsive services require knowledge and capacity at different levels of intervention: systemic, organizational, professional, and individual. *

Culturally Specific Organization (CSO): an entity that provides services to a cultural community and the entity has the following characteristics:

- Majority of members and/or clients are from a particular Community of Color;
- Organizational environment is culturally focused and the community being served recognizes it as a culturally-specific entity that provides culturally and linguistically responsive services;

* Adapted from Curry-Stevens, Ann, Marie-Elena Reyes & Coalition of Communities of Color (2014). Protocol for Culturally Responsive Organizations

- Majority of staff are from the community being served, and the majority of the leadership (defined to collectively include board members and management positions) are from the community being served;
- The entity has a track record of successful community engagement and involvement with the community being served; and
- The community being served recognizes the entity as advancing the best interests of the community and engaging in policy advocacy on behalf of the community being served.*

Development Team: The Development Team includes any and all entities central to the successful development of the Project including staff of the Project owner, developer, and sponsor as relevant to the specific Application. This also includes any and all development consultants that may provide financial and/or construction management. It does not include architects, engineers, or other such service providers.

Electronic Signature: An electronic signature in the case of the Pre-app and Full Application is typing your name into the signature field and submitting the Application. With the signature Applicant attests that will meet and comply with all the requirements and conditions of the NOFA, Pre-application, and Full Application.

Local Government means any city, county or metropolitan service district formed under ORS chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 (as defined by ORS 197.015).

Minority, Women, and / or Emerging Small Businesses (MWESB) contractors means contractors registered with the State MWESB Program, called Certification Office for Business Inclusion and Diversity (COBID) <https://www.oregon.gov/biz/programs/COBID/Pages/default.aspx>

Procore™ Workcenter: Is a secure web-based portal developed by ProLink Solutions™. OHCS establishes a project specific “workcenter” for each funding Application/Project. Procore™ project-specific workcenters serve to facilitate secure electronic document submission, project team task management and act as a project communications hub for the project team and OHCS staff assigned to the Project.

Qualified Non-profit Organizations means a non-profit organization described in Section 501(a) and Sections 501(c)(3) or 501(c)(4) of the Code, have as one (1) of its exempt purposes the “fostering of low-income housing”. Further, the organization must materially participate (meaning, as described in IRC Section 469(h), it must be involved on a regular, continuous, and substantial basis) in both the development and operation of the Project throughout the Project Compliance Period. The organization must not be affiliated with or controlled by a for-profit organization, entity, or individual but may be part of a partnership.

Qualifying Population: HOME-ARP units must be occupied by individuals or families from the following qualifying populations:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11302\(a\)](#));
- At-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11360\(1\)](#));
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the Secretary;
- In other populations where providing supportive services or assistance under section 212(a) of the Act ([42 U.S.C. 12742\(a\)](#)) would prevent the family’s homelessness or would serve those with the greatest risk of housing instability;
- Veterans and families that include a veteran family member that meet one of the preceding criteria.

Resident Services means any services provided to residents of affordable rental housing with the goal of supporting an affordable housing development project or its residents in: access to physical and mental health services, eviction prevention support, social service, building community, accessing information and services in the language and format that best serves their needs, self-sufficiency, maintaining independent living, enhancing quality of life through programs for workforce development, education, income / asset building, child and youth development, addressing resident issues as they arise. (This is a non-exhaustive list.)

Service Enriched Housing means permanent, affordable rental housing in which supportive resident services are available on-site or by referral through an on-site services coordinator or services coordination team.

2.0 APPLICATION PROCESS

2.1 Pre-Application Process and Application Access

The Homeless Housing Response and Capacity Strengthening NOFA includes a two-step Application process that requires submission of a very brief pre-application along with a Site Review Checklist to access the full Application:

Pre-Application Process and Application Access

1. Download the pre-application and the HOME ARP Site Review Checklist from the OHCS website, here: <https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx>
2. Submit the completed pre-application and Site Visit Checklist to MFNOFA@oregon.gov. This action will alert OHCS staff to generate Procorem access credentials for your Project. This step must be completed no later than close of business on **August 14 25, 2023**. *The Site Visit Checklist is not required for GHAP CB Grant applicants.*
3. Once credentials are received go to the Procorem login page: <https://app.procorem.com/login> to access the HOME ARP development and GHAP CB applications. OHCS will provide Procorem credentials by August 15 30, 2023.

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 Application Submission

- A. Applications:** Full applications along with all required materials and documentation must be uploaded to the Procorem portal by the Application due date and time: **October 13 27, 2023 at 4:00 PM PST.**
- B. Charges:** All HOME ARP development funding applicants must submit Application charges via mail. The application charge for HOME ARP development resources is \$2,500. OHCS cannot accept any electronic payments for Application charges. There is no charge for GHAP Capacity Strengthening Grant applications.

HOME ARP applicants must submit the Application charges to the address below along with the transmittal form provided as part of the Application materials in Procorem. All Application charges must be received by OHCS no later than **October 13 27, 2023 at 4:00 PM PST**. If the Application charge is not received by the Application Deadline, the Application is considered incomplete. It will be automatically rejected and is ineligible for funding.

Send Application Charges to:

Oregon Housing and Community Services
Attn: Affordable Rental Housing
725 Summer St. NE, Suite B
Salem, OR 97301

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

2.3 NOFA Questions and Webinar

Inquiries relating to the NOFA process, its administration, or the substantive technical portions of the NOFA should be directed to: MFNOFA@oregon.gov

Please note “**Homeless Housing Response and Capacity Strengthening NOFA**” in the subject line. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and NOFA Workcenters at regular intervals during the time that the NOFA response period is open. When appropriate, revisions, substitutions, or clarifications shall be issued as a Technical Advisory and considered a revision to this NOFA.

Changes or modifications to the NOFA requirements will ONLY be recognized if in the form of a written Technical Advisory (TA), issued by OHCS. OHCS shall post the Technical Advisory (TA) in Procorem and on the OHCS fund offering page: <https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx>

The Homeless Housing Response and Capacity Strengthening NOFA will host a webinar on **Tuesday, August 1, 2023** to provide additional information on this NOFA. The link for the webinar will be accessible via the Zoom link below. The webinar will allow prospective applicants to ask questions and provide input on the program. The materials discussed during the webinar will be accessible on the NOFA website. Webinar attendance is not a requirement.

Date: Tuesday, August 1, 2023

Time: 2:00-3:00 pm

Zoom Link: <https://us02web.zoom.us/meeting/register/tZwkdeCsqDsoHNHKRt5JdCgdm8afBoFJSrXv>

Advanced registration is required.

3.0 APPLICATION EVALUATION AND SCORING PROCESS

The evaluation of NOFA applications received includes an Administrative Review, Minimum Threshold Review, and Competitive Scoring. If an Application passes Administrative Review, including timeliness and completeness requirements, the Application will be reviewed for satisfaction of all Minimum Threshold Requirements. If the Application fails to pass Administrative Review or meet all the Threshold Requirements listed below, the Application will be deemed non-responsive and will be rejected. Applications moving through the Administrative Review process that meet all Threshold Requirements will be scored using the point rubric for each requested funding source as detailed in the subsequent program sections in this NOFA.

3.1 Responsiveness

Each Application will be reviewed to determine if it is responsive to all NOFA requirements including compliance with Minimum Applicant Requirements (Section 3.1). If the Application is unclear, the OHCS may request clarification from Applicant or seek additional information, as deemed necessary by OHCS. Applicant must respond within three (3) working days of the date an email has been sent from OHCS. If the OHCS finds the Applicant non-responsive, the Application may be rejected, however, OHCS may waive mistakes in accordance with OAR 137-047-0470 and OAR chapter 813, divisions 5 and 6. Agency may use its discretionary action in accordance with OAR 813-006-0040.

3.2 Evaluation Overview

Members of an Evaluation Committee will independently evaluate each Application meeting all responsiveness requirements. OHCS will determine the size of the Evaluation Committee. Evaluation Committee members may change, and OHCS may have additional or fewer evaluators. Applications will be scored on the component areas listed beginning in Section 4.3

OHCS will be evaluating Applications based on the criteria identified beginning in Section 4.3 and then applications may be ranked in order to create a balance of service provisions across the state and a diverse cohort of grantees. OHCS reserves the right to target funding for geographic locations which may include focused populations or areas of greatest need identified at the Agency's discretion, and in accordance with the requirements in this NOFA and applicable ORSs and OARs.

In selecting between two or more equally qualified applicants, preference will be given to the Application OHCS determines at its own discretion to be maximizing grant objectives.

3.3 Administrative Review

Each Application will be reviewed for timeliness and completeness of the NOFA requirements. OHCS reserves to the right to pursue clarification from any Application that is deemed substantially complete. The following are Pass/Fail criteria, all of which must be met in order to move on in the Application's review:

- A.** NOFA Cover Sheet, submitted by due date and time
- B.** Application and Charge Transmittal Form and Payment of Application Charges, (only applies to HOME ARP development)
- C.** Owner/Board of Directors' Authorization and Acceptance Form, (only applies to HOME ARP development)
- D.** Applicant's Organizational Documents (only applies to HOME ARP development)
- E.** Complete NOFA Application with Required Exhibits

3.4 Minimum Threshold Requirements

After passing Administrative Review, an Application must satisfy all Threshold Requirements at the time of Application for the specific type of funding being requested in the Application. The Pass/Fail criteria, all of which must be met in order to move on in the Application's competitive scoring process, are detailed in the Funding Requirement sections below for development and capacity strengthening resources.

3.5 Competitive Scoring

Each Application will be reviewed for timeliness and completeness of the NOFA requirements specific to the funding source being requested. The HOME ARP development resources and GHAP Capacity Building building resources have separate program and scoring requirements as detailed in the individual sections below.

3.6 Funding Awards

Applicants, if any, that OHCS determines to provide a reservation of funding ("Reservation") pursuant to this NOFA will be designated as Awardees in the conditional commitments issued by OHCS ("Reservation 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, the continuing authority of OHCS to disburse or allocate such funds, and the successful negotiation, execution, and recording (as required) of the Agreement Documents.

Applicants will be notified in writing of OHCS's notice of intent to issue a Reservation Letter, which also will be posted on OHCS' website.

4.0 HOME ARP DEVELOPMENT: FUNDING REQUIREMENTS, THRESHOLD CRITERIA, AND SCORING

4.1 HOME ARP Funding Development Requirements

OHCS requirements for HOME ARP development resources are outlined below. Additionally, HUD minimum threshold guidance for these federal funds is outlined in the [HUD HOME ARP Rental Housing Fact Sheet](#). Please note in some cases OHCS has imposed greater threshold requirements.

A. Eligible Activities

HOME ARP development resources can be structured as loans or grants and must be used to acquire, construct, or rehabilitate rental housing for occupancy by eligible populations (see definition below) for projects with a maximum of twenty (20) units.

B. Eligible Populations

A minimum of 70% of the total number of rental units in a HOME-ARP development project must be occupied by a Qualifying Population as defined in Section 1.4. The remaining 30% may be occupied by extremely low-income households with incomes up to 30% MFI.

C. HOME ARP Rent Limits

[HOME ARP rent](#) requirements for a Qualifying Population tenant must not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 50 percent of the median income for the area, as determined annually by HUD. Rents for a non-Qualifying Population tenant must not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 65 percent of the median income for the area, as determined annually by HUD. If project or tenant-based rent assistance is

contributing a rent payment, the maximum per unit rent is the HOME ARP tenant contribution up to the allowable rent allowed by the rent assistance program.

D. Affordability Period

HUD requires a minimum 15-year affordability period for HOME ARP rental projects. However, OHCS is requiring that after year 15, beginning at unit turnover, projects will continue to serve households below 50% MFI for a period of 60 years. This NOFA will award competitive scoring points to projects that will serve HOME ARP eligible populations for additional years of affordability past the 15-year HUD minimum affordability period.

E. Minimum/Maximum HOME ARP Investment Requirements

The minimum investment of HOME ARP funds is \$2,000,000 per application. There is not a maximum amount of subsidy per unit as there is with regular HOME funds. The maximum amount of HOME ARP funds is limited by costs provided in the application pro forma:

- The total per unit development costs: HOME ARP funds cannot exceed the actual per unit development costs for the HOME ARP-assisted units in the Project;
- The financial needs of the Project: Projects receiving HOME ARP funds may not receive more subsidy than is required to produce financially feasible Projects

F. Coordinated Entry and Project Specific Waitlist

Applicants must choose and indicate which one of the following tenant referral methods will be used for the entire project:

- Continuum of Care's (CoC) Coordinated Entry (CE)
- CoC's CE and other referral sources
- A project-specific waitlist to select qualifying households for HOME-ARP units restricted for occupancy by qualifying households.
- A project owner must use a project-specific waitlist to select low-income households (under 30% MFI) to occupy units restricted for occupancy by low-income households that do not meet one of the definitions of qualifying populations.

G. Federal Cross-Cutting Regulations

HOME ARP development funds requested in this NOFA require compliance with the following federal cross-cutting regulations:

- **Environmental Review:** All projects awarded HOME ARP development funds must complete a [HUD Part 58 Environmental Review](#) and receive HUD Authority to Use Grant Funds prior to taking any choice limiting actions. OHCS staff are available to support this process.
- **Section 3:** HOME ARP development funds require recipients to direct employment, training and contracting opportunities to low-income individuals and businesses that employ them. At project completion, Section 3 reporting on the number of Section 3 hours will be required using the [OHCS Section 3 Summary Reporting Form](#).
- **Uniform Relocation Act (URA):** Properties requesting HOME ARP development funds for the rehabilitation or demolition of occupied properties must include [General Information Notices](#) signed by each tenant with their NOFA application and comply with URA tenant notice and relocation requirements.

- **Lead Safe Housing Rule:** HOME ARP development funds requested for the rehabilitation of pre-1978 properties with lead-based paint require compliance with the Lead Safe Housing Rule. A PDF of the completed [HUD Lead Rule Compliance Advisor](#) must be submitted with the LIHTC/HOME application.

4.2 HOME ARP Development Funding Minimum Threshold Requirements

After passing Administrative Review, an Application must satisfy all Threshold Requirements at the time of Application. For complete HOME Program Requirements, please see the current OHCS HOME Program Manual. The following are Pass/Fail criteria, all of which must be met to move on in the Application's review:

A. Diversity, Equity, and Inclusion (DEI) Agreement

All Applicants are required to enter into an agreement to commit their organizations to doing work and reflection to enhance diversity, equity and inclusion practices through the signing of an OHCS Diversity, Equity and Inclusion (DEI) Agreement.

This form is included in the NOFA Application

B. Relocation Plan

If any relocation or displacement of existing tenants might occur as a result of an Allocation made through this NOFA, the Application must comply with all relevant requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"). In addition to these requirements, the Application must contain a relocation plan for the Project satisfactory to OHCS, including all of the following:

1. A complete survey of existing tenants using the format provided by OHCS. This survey must include third party income verification and be completed and approved by OHCS prior to the Project closing.
2. Type of displacement that will occur (permanent or temporary).
3. Proposed relocation/displacement process. Indicate compensation and advance notice provided to those subject to displacement.
4. Availability of comparable units in the community.
5. Describe the local jurisdiction displacement/relocation policies, if applicable, and compliance therewith.
6. Describe how tenants with disabilities will be assisted regarding relocation or displacement.

This form will be an attachment to the NOFA and available through the Workcenter

C. Ownership Integrity

OHCS may reject an Application where the Applicant, or any member, officer, or principal within the Project ownership, management, or development team (1) is currently under investigation by a public body for, has a pending claim, indictment, suit, action, or other proceeding against them for, or has been convicted of or been determined by an administrative or judicial (whether criminal or civil) order or judgment to have committed fraud, misrepresentation, theft, embezzlement, or any other act of moral turpitude (including, but not limited to any felony or malicious behavior) within the previous ten (10) years; (2) has been involved in a bankruptcy proceeding within the previous five (5) years; or (3) has been debarred or otherwise sanctioned by OHCS.

This form is included in the NOFA Application

D. Resident Services

The Applicant is required to provide a Resident Services Description at the time of Application in accordance with the goals and guidelines in the OHCS Management Agency Package:

<https://www.oregon.gov/ohcs/compliance-monitoring/Documents/2020-management-agent-packet.pdf>

Please note that the information provided in the Applicant’s Resident Services Plan should reflect affirmative fair housing marketing as well as the priorities of competitive scoring, as well as be substantially in line with the Project’s final Project Management Agreement and Resident Services Plan.

This form will be an attachment to the NOFA and available through the Workcenter

E. Minority, Women, and/or Emerging Small Business (MWESB) Engagement

All Applicants will be required to identify strategies that they will utilize to contract with MWESB contractors/subcontractors in the construction and operation of the Project. Awardees will be required to submit a report to OHCS demonstrating outcomes of their efforts to contract with MWESB contractors/subcontractors, using the state registry. 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.

This form will be an attachment to the NOFA and available through the Workcenter

F. Readiness to Proceed

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

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.**

This form will be an attachment to the NOFA and available through the Workcenter

2. Site Control

Applicant must have control of the land necessary for the Project by the Application deadline as evidenced by one (1) 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,
- c. a valid option to purchase,
- d. a valid option for a long-term lease, satisfactory to OHCS , and
- e. other evidence satisfactory to OHCS.

The Applicant must be sure the name on the evidence of site control and the Application is **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.

OHCS will only accept one (1) 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 (1) Application received for the same site, or any part of the same site, OHCS may disqualify one (1) or all of the Applications.** The *non-refundable* Application charge for each Applicant will be retained by OHCS.

This form will be an attachment to the NOFA and available through the Workcenter

3. Additional Federal Project Resources Status

The Applicant must be able to provide satisfactory documentation of its progress on its applications for federal resources.

If the Applicant has identified additional federal resources (such as rental or capital assistance from HUD, 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. For RD, this would mean 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.

This information should be provided in the notes on the Budget Sources Application worksheet; any evidence should be included in Threshold submission folder and named "Federal Resources Evidence"

4. Adequacy of Development Schedule

Within the development schedule provided by Applicant, the Applicant must be able to meet the required deadlines for HOME ARP development resources.

The Applicant's development schedule must clearly demonstrate that funds will be invested and 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.

Development Schedule is included in the Project Detail tab of the NOFA Application

5. Adequacy of the Project Site Checklist

Applicants must have identified if there is any adverse environmental or site information indicated on the Project Site Checklist submitted at the time of Pre-Application.

The OHCS Project Site Checklist contains questions regarding:

- a. the suitability of the site,
- b. the distances to services,
- c. transportation and schools,
- d. the nature of existing structures,

- e. soil suitability,
- f. environmental hazards,
- g. safety concerns,
- h. noise problems,
- i. air quality issues,
- j. historic preservation,
- k. flood plain and wetlands issues,
- l. solid waste, wastewater, and storm water concerns, and
- m. Federally Listed Species and/or Designated Critical Habitat.

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.

This information is submitted with pre-application; the form can be found on the OHCS website here:

<https://www.oregon.gov/ohcs/development/Pages/funding-how-it-works.aspx>

G. Core-Development Documents (CDD)

Applicants must submit the Core-Development Documents (“CDDs”), defined in Part 3 of the Core Development Manual (CDM) with their Applications. **The CDM Version 3.1 must be used with this NOFA** – <https://www.oregon.gov/ohcs/development/Documents/Core-Development-Manual/CDM-Version-3-1.pdf>

These should be provided should be included in CDD submission folder in Procorem.

H. Program Compliance Review

These forms will be an attachment to the Application using forms provided.

Applicants must satisfy the Program Requirements for all applicable OHCS funding sources requested. Each OHCS funding source has separate requirements, including supplemental forms and exhibits that must be submitted simultaneously with the Application. These forms will be attached to the Application using forms provided.

Utility Allowance Requirements

A single utility allowance (such as that established by the local PHA) is not permitted for use in HOME ARP Projects. This requirement was established by HUD because as more Projects are constructed or rehabilitated to higher energy-efficiency standards, the use of a standard utility allowance may not represent actual utility costs and is difficult to justify.

HOME ARP recipients are required by HUD to determine an individual utility allowance for each HOME ARP-funded Project, either by:

1. Using the HUD Utility Schedule Model, located at: <https://www.hudexchange.info/trainings/courses/hud-utility-schedule-model-calculating-utility-allowances-for-home-webinar1/>, OR
2. Otherwise determining the allowance based upon the specific utilities used at the Project.

Note: OHCS requires HOME ARP recipients to utilize the Energy Consumption Model when not utilizing the HUD Utility Schedule Model.

Energy Consumption Model

HOME ARP recipients may retain the services of a qualified professional or properly licensed engineer to calculate utility allowances based on an energy consumption model (also known as an energy and water/sewage consumption and analysis model). The energy consumption model must, at a minimum, take into account specific factors including but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location.

The use of the energy consumption model is limited to the building's consumption data for the 12-month period ending no earlier than sixty (60) days prior to the date the utility allowance will change. For newly constructed or rehabbed buildings with less than 12 months of consumption data, consumption data for the 12-month period for similarly sized and constructed units in the geographical area in which the building is located will be used. Utility rates must be the rates in place sixty (60) days prior to the date the allowance will change and must be provided by the utility company that will service the property.

Owners using this model must maintain and provide documentation providing the source and content of all factors considered when computing the utility allowance calculation. A list of approved qualified professionals and licensed engineers can be found on the OHCS website at <http://www.oregon.gov>.
<https://www.oregon.gov/ohcs/compliance-monitoring/Documents/memos/Approved-UA-Calculators.pdf>

All qualified professionals must be approved by OHCS prior to the property implementing calculations. Licensed engineers do not need prior approval to calculate allowances if they are not requesting to be included on the OHCS approved and published list, however, the Agency retains the authority to approve or disapprove an energy consumption modeling method or require more information before approving of any method or calculation calculated by a licensed engineer.

4.3 HOME ARP Development Funding Competitive Scoring

OHCS is committed to investing public resources in a way that makes best use of the funds considering all benefits to the community as well as the viability of the Project. OHCS is also committed to ensuring resources are invested in a way that is geographically equitable and responsive to the diversity of low-income housing needs around the State.

A total of **100** maximum points are possible for HOME ARP Development Funding Projects in this NOFA, summarized below:

A. HOME ARP Subsidy per unit		20
Up to \$200,000/unit	20	
\$200,001-\$250,000/unit	16	
\$250,001-\$300,000/unit	12	
\$300,001-\$350,000/unit	8	
\$350,001+/unit	4	
B. Project Readiness		20
Financial Viability	12	
Readiness to proceed	8	
C. Development Team Experience		20
Development Team Experience	20	
D. Resident Services		20
Viability of Service Plan	12	
Provider experience and capacity	8	
E. Tenant Vulnerability		15
Percentage of Qualified Tenants	6	
Percentage of ELI tenants	5	
F. Community Support		5
Commitment of CoC support	5	
	TOTAL	100

4.4 Competitive Scoring (Total up to 100 Max)

A. HOME ARP Subsidy per Unit– Up to 20 points

- Up to \$200,000/Unit:** Up to Twenty (20) points if HOME ARP development subsidies are up to \$200,000 per unit.
- \$200,001-\$250,000/Unit:** Up to Sixteen (16) points if HOME ARP development subsidies are between \$200,001 and \$250,000 per unit.
- \$250,001-\$300,000/Unit:** Up to Twelve (12) points if HOME ARP development subsidies are between \$250,001 and \$300,000 per unit.
- \$300,001-\$350,000/Unit:** Up to Eight (8) points if HOME ARP development subsidies are between \$300,001 and \$350,000/unit.
- \$350,001+/Unit:** Up to Four (4) points in HOME ARP development subsidies are over \$350,000 per unit.

Enter this information in the Scoresheet

B. Project Readiness – Up to 20 points

1. Financial Viability– Up to 12 points

a. Development pro forma review – Up to 6 points

- I. Up to Three (3) points; Development budget is adequately explained and pro forma includes only realistic and available resources on the Sources of Funding tab.
- II. Up to Two (2) points; Explanation of how the development budget will still be valid at the start of construction and absorb possible construction cost increases
- III. One (1) point; Contractor overhead, profit, and general conditions are within the required range as required by the OHCS General Program and Guidelines Manual (GPGM)
- IV. One (1) point; Developer Fee is within the OHCS maximum allowable

b. Operating pro forma review – Up to 6 points, 1 point each

- I. Affordable rents comply with HUD HOME ARP requirements for qualifying populations and units leased to low-income tenants.
- II. Project-based rental subsidies are documented.
- III. Debt coverage ratio is a minimum of 1.15:1 for hard amortizing debt.
- IV. Pro forma demonstrates reasonable and sufficient cash flow for a minimum of 20 years.
- V. Vacancy rate is between five percent (5%) and seven percent (7%) or explained.
- VI. Operating budget assumes a two percent (2%) income and a three percent (3%) expense inflation factor.

Based on Proforma entries in the NOFA Application

2. Readiness to Proceed– Up to 8 points

- a. Up to Three (4) points: For full funding commitment for planned Project funds.
- b. One (1) point: If funding commitments are pending (aside from Rural Development); explanation of when other source of funds will be available to the Project if not already committed is reasonable.
- c. One (2) point: If demonstrated ability to begin construction within 12 months.
- d. One (1) point: If proposed Project schedule appears adequate and reasonable.
- e. One (1) point: If explanation of why Project must be funded now as opposed to future NOFAs is reasonable.

Derived from financial assumptions, site control, and other narratives in NOFA Application and threshold submissions

C. Development Team Experience– Up to 20 points

1. Development Team Experience – Up to 20 (stackable) points

- a. Up to Seven (7) points; Applicant has direct experience successfully completing affordable service enriched rental projects for Qualifying Populations and has completed two or more projects within the last 10 years.
- b. Up to Seven (7) points; Applicant has direct experience successfully completing a HOME-funded development project in the past 10 years.
- c. Up to Six (6) points; Applicant has direct experience developing affordable housing projects with public resources and has placed in service two projects in the last 10 years.

- d. Up to Six (6) points; Applicant has limited experience with service enriched housing, HOME funding, or developing affordable housing but provides clear explanation of how partnerships will be developed to provide necessary experience and capacity.

Must be supported by Development Team Capacity threshold submission supplement to NOFA Application.

D. Resident Services – Up to 20 points

1. Viability of Resident Services Plan (12 points)
 - a. Three (3) point: Need based analysis; if Resident Services Plan includes a comprehensive analysis of target population needs;
 - b. Three (3) points: Comprehensive service plan; if Resident Services Plan proposes a comprehensive and realistic, achievable plan to provide identified services needed by target population;
 - c. Three (3) point: Operating capital; if Resident Services Plan includes funding resident service staff or resources for referral agency;
 - d. Two (2) point: Asset and Stability Services; if Resident Services Plan incorporates strategies to support households in housing stability and asset building; including but not limited to resources for IDA and savings programs and financial planning where appropriate for target population, workforce training, and eviction prevention where appropriate;
 - e. One (1) point: Data-centric approach; if Resident Services Plan includes performance tracking and reporting of data;
2. Experience and Capacity of Service Provider (8 points)
 - a. Three (3) points: Service provider has a history of successfully providing tenant services to target populations.
 - b. Three (3) points: Service provider has current capacity or realistic plan to expand capacity to provide services to target population.
 - c. Three (2) point: Culturally responsive service provider; One (1) point if a resident services provider is culturally responsive;

Must be validated in Resident Services Plan threshold supplement to the NOFA Application and Proforma assumptions

E. Tenant Vulnerability – Up to 15 points

1. **Percentage of Qualified Population Tenants (Up to 6 points):** Six (6) points if 100% of the Project units are occupied by a Qualifying Population tenant; three (3) points if 85%-99% of the Project units are occupied by a Qualifying Population tenant. One point (1) if 75%-84% of the Project units are occupied by a Qualifying Population tenant. No less than 70% of units per project can be occupied by a Qualifying Population tenant.

Enter this information in the Scoresheet; should be supported by population and unit mix

2. **Percentage of Extremely Low-Income Tenants (Up to 5 points):** Five (5) points if more than 60% of the units are at 30% of Area Median Family Income or below; three (3) points if 40-59% of the units are at 30% of

Area Median Family Income or below; one (1) point if 25- 39% of the units are at 30% Area Median Family Income or below.

- 3. Period of Affordability (up to 4 points):** Four (4) points if 30 years of affordability is proposed for HOME ARP Qualifying Populations;

Supported through information submitted in NOFA Application document.

F. Continuum of Care support—5 points

1. Continuum of Care Support Five (5) points if Application includes letter of support from local Continuum of Care representative or representative of the local homeless system.

5.0 GHAP CAPACITY BUILDING GRANT FUNDS: FUNDING REQUIREMENTS, THRESHOLD CRITERIA, AND SCORING

GHAP Capacity Building Grants for this offering are funded through the General Housing Account Program Capacity Building (GHAP CB). The GHAP Capacity Building Program was created to support the growth and development of our key partners and regional networks towards meeting Oregon’s immediate and long-term needs for safe, stable housing. Successful GHAP CB Grant efforts funded by this grant are expected to advance local housing development capacity towards the following goals: Build capacity of an entity, local community, or region to develop, support, and sustain service enriched affordable rental housing and key resident services; Identify regional challenges and opportunities related to development and operations of service enriched affordable rental housing; Coordinate and convene local and regional stakeholders towards development of partnerships and collective impact; Support the ability of a local sponsor organization to prepare a project proposal package and funding application submission for service enriched housing within two years.

5.1 GHAP CB Grant Funding Requirements

A. Eligible Applicants

- Non-profit organizations
- Tribes
- Public Housing Authorities
- Local governments

Applicants will be required to provide documentation to support Agency confirmation that applicant is one of the above listed eligible entity types to receive GHAP Capacity Building funds. (OAR 813-055)

B. Form of Funding and Contracting Requirements

- Payment of eligible costs will be governed by an agreement executed by OHCS and the grantee.
- Support documentation will be required for all eligible expenses incurred, according to Federal, State and program requirements.
- Resources will be provided on a reimbursement basis with requests for partial advances being considered on a case by case basis.
- All expenditures must be allowable, allocable, and reasonable in accordance with the applicable State and Federal cost principles.

- It is the responsibility of the Applicant to track expenditures to ensure that duplicative funding is not requested for the same costs or activities before accepting a grant award from OHCS. Failure to do so may jeopardize the Applicant's ability to receive current and future funding from OHCS.
- An itemized account of expenditures and required documentation will be submitted with each invoice for reimbursement or reconciliation in advance. The compensation method will be determined by Agency with Applicant's feedback from the grant application and written into the final grant agreement.
- Awardees will be required to provide a mid-year and a year-end report for each year of the grant using the Reporting Form. Reporting will include updates on progress made against proposed activities and measurable outcomes. At the close of the grant, additional reporting will be required and will include a final report.

C. Funding Limits

- OHCS has committed \$2,000,000 of GHAP Capacity Building funds towards the Homeless Housing Response and Capacity Strengthening NOFA.
- It is anticipated that two applications per region (Refer to map in Section 1.3) will be selected for GHAP CB funding with an average award amount of \$150,000-\$225,000.
- Applicants may request up to 50% of the GHAP CB resources set aside for their region.
- Following determination of HOME ARP development awards additional HOME ARP funds for capacity building may be made available to non-profit organization awardees that meet the eligibility criteria for receiving HOME ARP capacity building funds.

D. Eligible Activities

- The establishment and/or ongoing support of a coordinated regional or local affordable housing development workgroup or advisory body
- Staff training, including professional certifications and memberships, and continuing education
- Acquiring technical assistance and capacity building, including contracting with consultants
- Paying for the following predevelopment soft costs (*up to 10% of the total request*):
 - Accounting and financial analysis
 - Research, required audits, and legal consultant fees
 - Contracted support in developing project or other grant applications and preparing for long-term funding mechanisms
- Service-enriched housing planning
- Paying for other expenses reasonably necessary to meet the mission of this grant offering, as approved by OHCS staff
- Paying for other capacity building efforts designed to establish and coordinate necessary resources and key services to support service-enriched housing in the region, as approved by OHCS staff

E. Ineligible Activities

- Construction hard costs or construction-related activities, including capital improvements to existing facilities.
- Immovable equipment purchases, leases or maintenance.
- Land and building purchases.
- Rent assistance and other direct services to residents.
- Political or religious activities.

F. Period of Performance

Grantees are expected to submit an application for HOME ARP development funds within two years of the GHAP CB Grant agreement execution date. Grantees will have four years to fully expend GHAP CB Grant funds.

If upon readiness to apply for development resources HOME ARP funds are unavailable, the project sponsor may have the opportunity to apply for an alternate OHCS affordable rental housing funding opportunity.

G. Other GHAP CB Grant Requirements

- GHAP CB Grant funds provided through this NOFA are one-time funds
- GHAP CB Grants provided through this NOFA are not available to projects currently applying for HOME ARP development funds
- GHAP CB funds provided through this NOFA are expected to be fully utilized within four years of grant execution
- GHAP CB funded activities provided through this NOFA should ultimately support future development of affordable housing for HOME ARP qualifying populations
- Although there is no required local or regional match for this program, the entity applying for the grant should budget practicable matching funds or in-kind resources to support the success of their capacity strengthening efforts. The grantee may leverage this grant award with other available funds.

5.2 GHAP CB Grant Minimum Threshold Requirements

In addition to the eligible entity types required to apply for this grant, applicants must meet the following minimum threshold requirements. Examples given are non-exhaustive.

A. Demonstrated Partnerships

To be considered for capacity building funding, each Application must demonstrate capacity strengthening partnerships that will facilitate:

- Development of local housing policy opportunities (e.g. Local Government)
- Securing rental assistance resources (e.g. regional housing authority)
- Provision of social, health, or other key services (e.g. local community action agency or community-based service organization)

Partnerships can be demonstrated through formal and informal documentation (e.g. Letter of commitment, MOU).

5.3 GHAP CB Grant - Competitive Scoring

GHAP CB Grant Applications will be scored on the following component areas:

Component 1: Proposed Use of Capacity Strengthening Funds (10pts)	
Response reflects in-depth knowledge and understanding a sponsor's ability to coordinate, navigate and implement affordable housing development.	4
Response reflects in-depth knowledge and understanding of how the local community or region can coordinate, navigate and support affordable rental housing projects.	4
Response demonstrates applicant understanding of policies and practices that prioritize equitable outcomes.	2
Component 2: Impact to Communities Served (10pts)	

Response clearly describes how the proposed activities will directly or indirectly stabilize and/or expand regional or local capacity.	2
Measures identified for evaluating impact on community(ies), and how the grant will address those stated needs.	2
Response reflects in-depth knowledge and understanding of the local community's strengths and assets.	2
Response reflects in-depth knowledge and understanding of the local community's housing barriers and needs.	2
Identifies the effort to think about future capacity maintenance in community not that they necessarily have a plan.	2
Component 3: Impact to the Applicant Organization and Key Partner Organizations (8pts)	
Response clearly identifies capacity building needs of the applicant organization.	2
Measures identified for evaluating impact on organization(s), and how the grant will address those stated needs.	2
Response clearly identifies the partnership and needs within the partnership.	2
Identifies the efforts toward future capacity maintenance for organization(s) and capacity strategic planning.	2
Component 4: Soundness of Approach and Readiness to Proceed (8pts)	
Grant Activities: The proposed grant activities and description clearly identifies a feasible approach to managing and carrying out the proposed activities and completing deliverables.	2
Timeline: The proposed timeline for completion of proposed activities aligns with the grant performance period.	2
Readiness to proceed: The proposal identifies available partnerships, funding, and other resources to support the proposed activities, demonstrating a readiness to proceed within the grant period.	2
Budget: The budget justifies each requested expense, aligns with the proposed scope, and aligns with the proposed timeline for the proposed activities.	2
Priority Points	
The applicant has land identified for the future HOME ARP eligible project	1
Rent assistance resource has been established or committed for at least half of proposed units	1
A key regional health provider is a committed partner in the capacity strengthening project	1
The proposed grant activities are tied to a State or Federally-funded regional housing capacity building plan or planning group (completed or in-progress) that will inform strategic use of these grant funds	1

Committed partnerships include a non-profit developer or sponsor with affordable rental housing development experience that needs support to scale up or expand into a region lacking housing resources	1
Planned development project resulting from the capacity strengthening effort will be led by a culturally specific organization with expertise in their community, and has established ties to the expected project location	1
Project led or sponsored by one of nine Federally-Designated Tribes of Oregon	5

6.0 GENERAL TERMS AND CONDITIONS

Funding in this NOFA is subject to the continuing availability to OHCS of the described funds or tax credits (collectively or individually without distinction), the continuing authority of OHCS to disburse or allocate such funds, and the successful negotiation, execution, and recording (if required) of relevant documents in a manner satisfactory to OHCS.

OHCS may require additional information to determine whether or not an Application satisfies relevant criteria. Any necessary clarifications or modifications normally will be made before OHCS makes any Reservation and may become part of the Agreement Documents.

Submission of an Application by an Applicant or acceptance by OHCS of a submitted Application neither constitutes an agreement of any kind between OHCS and the Applicant nor does it secure or imply that the Applicant will be selected for receipt of a Reservation of funds.

To the extent that other funding sources have additional or other requirements, the most restrictive requirements will apply to the Project.

All costs associated with an Applicant’s submission of an Application are the sole responsibility of the Applicant and will not be borne to any degree by the State of Oregon.

Successful Applicants will be required to maintain appropriate levels of insurance and to comply with all applicable OHCS Program Manuals and all other OHCS policies, including execution of the Agreement Documents.

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.

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.

Oregon Revised Statutes (“ORS”) 60.701 requires foreign corporations be registered by the State of Oregon, Office of the Secretary of State, before conducting business in the state. A foreign corporation (ORS 60.001) means a for-profit corporation incorporated under a law other than the law of the State of Oregon. If a foreign corporation is selected for the Agreement because of this NOFA, it must register to do business in Oregon.

OHCS reserves the right to:

- Amend this NOFA prior to the closing date;
- Amend the deadline for submitting Applications;

- Determine whether an Application does or does not substantially comply with the requirements of this NOFA;
- Waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;
- to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;
- At any time prior to execution of the Agreement Documents (including after announcement of a Reservation), reject any Application that fails to comply with the requirements of this NOFA;
- 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;
- Use adherence with components of the Applicant's Application and this NOFA as scoring criteria in future multifamily funding solicitations;
- Withdraw any funding source from this NOFA; and
- Waive any term or condition of this NOFA for good cause as determined by OHCS.

This NOFA and one (1) copy of each original Application received, together with copies of all documents pertaining to 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, unless otherwise exempt.

The Oregon Public Records Law exempts purported trade secrets from disclosure only so far as they qualify as bona fide trade secrets, and the exemption in ORS 192.345 from disclosure applies only "unless the public interest requires disclosure in the particular instance". Therefore, non-disclosure of a document or any portion of a document submitted as part of an Application may depend upon official or judicial determination made pursuant to Oregon law.

The Applicant will be required to assume responsibility for performance required by the Agreement Documents, whether performed by the Applicant, a representative, assignee or subcontractor.

An Applicant or Potential Qualifying Applicant seeking to challenge any aspect of this NOFA is subject to and must comply with the provisions of Oregon Administrative Rule (OAR) 813-005-0025, which provide:

"813-005-0025 Solicitation Protests; Administrative and Judicial Review

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

(b) With respect to any solicitation conducted by OHCS, an Applicant may protest or otherwise challenge any OHCS determination or order (collectively hereinafter, "determination") related to such solicitation by first requesting administrative review as herein specified.

(c) A timely, qualifying request for administrative review is necessary to satisfy the conditions of this section and a condition precedent to judicial review consistent with ORS 183.480.

(d) Failure to file a timely, qualifying request for administrative review with OHCS will constitute a failure to exhaust administrative remedies and terminate further rights to protest or otherwise challenge the solicitation process or any related OHCS determination, including judicial review thereof.

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

(b) A potential qualifying applicant is a person or entity that qualifies to make an Application for a OHCS funding award under the terms of a solicitation with respect to the process of which it requests administrative review consistent with the terms of this section.

(3)(a) An applicant or potential qualifying applicant seeking to protest or otherwise challenge any aspect of a solicitation process (other than a OHCS determination related thereto) must request review by OHCS within fourteen (14) days of the Application due date of the solicitation.

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

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

(a) The nature of the requestor's interest, including the facts showing how the requestor is adversely affected or aggrieved by the solicitation process or a OHCS determination;

(b) The relief sought;

(c) Each of the grounds for review;

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

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

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

(a) Be marked PROTEST;

(b) Identify the solicitation number;

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

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

(e) Be received by OHCS at its main Salem Office, Oregon Housing and Community Services 725 Summer Street NE, Suite B Salem, OR 97301, not later than 4:00 PM on the fourteenth (14th) day after the solicitation closing date or the applicant's receipt of notice from OHCS of OHCS determination from which review is requested, whichever due date is applicable under this section.

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

(a) Three (3) days after OHCS' determination is mailed to the applicant;

(b) Two (2) days after such determination is posted to OHCS' website;

(c) Two (2) days after the list of successful solicitation applicants is posted to OHCS' website; or

(7) OHCS may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.

(8) OHCS will endeavor to provide a written response to a timely, qualifying request within thirty (30) days.

(9) Judicial review of OHCS response to a timely, qualifying request for review shall be limited to those grounds the requestor raised with OHCS in its request for review.

(10) The filing of a request for review, or subsequent judicial review (if any), will not preclude OHCS from moving forward with the solicitation or the award of funding assistance thereunder. However, OHCS 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."

Reservations, Allocations, or Awards by OHCS (collectively, "Determinations") may be subject to Council review under ORS 456.561, and Determinations where additional OHCS funding supporting such Determinations are subject to Council review, are contingent upon Council approval of those Determinations or supporting funding. The Council may approve, reject, modify, or further condition funding awards submitted for its review, thereby directly or indirectly impacting OHCS' Determinations.

All Reservations made pursuant to this NOFA are subject to the successful negotiation, execution, and recording (if required) of any and all Agreement Documents. Projects that have only a leasehold interest in relevant real property must include, among relevant Agreement Documents, binding commitments executed and recorded by the landlord satisfactory to OHCS including, but not limited to, restrictive covenants with respect to the ongoing use and operation of the real property and leasehold interest for affordable housing acceptable to OHCS.

OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in negotiating and preparing Agreement Documents and other related documents. OHCS also may charge and Applicant shall pay any other fees allowed by OHCS administrative rules with respect to the Application, ensuing Reservation, Award or Allocation, and Project operation.

Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.

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.

Projects that have only a leasehold interest in relevant real property must include documented 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.

OHCS may charge, and the Applicant shall pay, legal and administrative costs incurred by OHCS in negotiating and preparing Agreement Documents and other related documents. OHCS and DOJ charges may increase with the increasing complexity of organizational and financing structures.

Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.

OHCS reserves all other rights not specifically identified herein.