

# Notice of Funding Availability and Request for Proposals for Section 8 Project Based Vouchers



RFP Issuance Date: January 19, 2021

Deadline for Proposals: February 16, 2021

HOUSING TRUST FUND CORPORATION

HAMPTON PLAZA, 38-40 STATE ST., ALBANY NY 12207

[www.hcr.ny.gov](http://www.hcr.ny.gov)

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# 1. Introduction

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[New York State Homes and Community Renewal](#) (“HCR”) consists of all the major housing and community renewal agencies of the State of New York (“State” or “NYS”), including the Housing Trust Fund Corporation (“HTFC”), the Division of Housing and Community Renewal (“DHCR”), the Affordable Housing Corporation (“AHC”), and the Housing Finance Agency (“HFA”). HTFC is a State public benefit corporation (“PBC”) operating under the umbrella of HCR. HTFC administers Federal Section 8 Housing Choice Vouchers (“HCVs”), including Project Based Vouchers (“PBVs”), across most of the State.

HTFC is soliciting applications from qualified property owners (“Applicants”) to apply for Federal Section 8 PBV through this RFP. The Winter 2020-21 RFP will only grant vouchers to **New Projects** during this round of funding.

**New Projects** – In this round HTFC will consider any property eligible for PBV assistance where either new construction or preservation/substantial rehabilitation will take place within the next two years. Properties are only permitted to apply under this RFP if they either have been awarded or have a current application pending for at least one other construction or permanent financing source through either DHCR, HTFC, AHC or HFA, including but not limited to eligible projects through the current 9 percent Low Income Housing Tax Credit (“LIHTC”) RFP, projects seeking 4 percent LIHTC/Bond financing, and projects participating in the Small Building Participation Loan Program. Properties must not have started construction before signing an Agreement to enter into a Housing Assistance Payment Contract (AHAP) for PBV units. Applications from new projects previously awarded PBVs in the Summer 2020 round seeking to increase their allocation of PBVs may be considered at HTFC’s discretion, but these projects may be subject to additional underwriting, environmental and legal review.

## 2. Purpose

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HTFC seeks qualified Applicants in the Winter 2020-21 RFP to increase the supply of quality housing that is affordable to low-income households in communities across New York State in support of de-concentration of poverty and expanding housing and economic opportunities.

Through this RFP, Applicants may request PBV rental assistance for new construction or rehabilitation projects. All properties contained within a project for which assistance is requested must meet all minimum requirements or HTFC, at its discretion may reject part or all of the entire application. These include requirements specific to this RFP as well as any applicable Federal and State requirements. Applicants may only make a request for one project per proposal.

For the purposes of this RFP, a project may be defined as: 1. A single building; 2. multiple contiguous buildings; 3. multiple buildings on contiguous parcels of land; or 4. Scattered sites that have been accepted as a single project for the purposes of an application for HCR financing. The Applicant must identify the specific units to be served and confirm that they will not be assisted through any other Federal, State, or local source of rental assistance.

**All awards are contingent on future Federal (Section 8) Budget appropriations. HTFC reserves the right to reduce or terminate HAP contracts if future funding is insufficient.**

## 2.1 PBV at HTFC

HTFC administers more than 45,000 Section 8 Housing Choice Vouchers (“HCV”) for very low and extremely low-income households across New York State, including more than 6,000 Project-Based Vouchers. As the Public Housing Authority (“**PHA**”) responsible for administering these vouchers, HTFC receives Housing Assistance Payment funding and voucher authority from the United States Department of Housing and Urban Development (“**HUD**”). Subsidies under HCV are equal to the difference between 30 percent of the tenant's adjusted monthly income and the tenant's monthly housing expenses.

HTFC administers the HCV Program locally through a network of not-for-profit, for-profit, and government entities that are referred to as [Local Administrators \(“LAs”\)](#). Each LA administers the program according to Federal rules and the [HTFC Section 8 Administrative Plan](#). The LAs also administer PBVs awarded to properties within their assigned county (or counties) and are responsible for establishing site-based waiting lists of households eligible to receive Section 8 assistance. The owner/agent of that property must select tenants from the LA’s site-based waiting list.

HTFC previously made PBVs available through HCR’s Unified Funding or Multi-family open window RFP. In 2018, the agency decided to make a limited number of PBVs available on a “stand-alone” basis for certain categories of existing housing. **Beginning in 2020, PBVs through HTFC may only be obtained through this RFP.** It is anticipated that this RFP will be issued twice annually, contingent on available funding. PBVs will no longer be available through HCR’s 9% or 4% Multi-Family RFPs. **Applicants may apply for PBVs from HTFC in any county in New York State.** This includes counties that were not previously eligible for PBV assistance.

### Number of PBVs per property.

Applications are limited to the greater of 25 units or 25% of the units in the property except in the following circumstances:

- If the building is in a census tract with a poverty rate of 20% or less, the property may request PBVs for 40% of the units (poverty level may be found using HUD’s [Project Based Lookup Tool](#)).
- Properties requesting PBVs for units that are exclusively for elderly households, or for households eligible for supportive services, have no unit maximum; however, services must be provided and paid for by the property in a manner approved by HTFC and subject to HTFC monitoring.

Examples of PBV unit counts:

- A building with 10 total units could request PBV for all units in the building.
- A building with 100 units that is not serving a special population and is not in a HUD-designated low-poverty area could request up to 25 PBV.
- A building with 100 units in a low poverty area could request up to 40 PBV.
- A building with 100 units serving elderly households (aged 62 or older) could request 100 PBV.

There is no minimum unit request threshold. Properties in low poverty census tracts or properties serving elderly households or households eligible for supportive services will be prioritized for PBVs. HTFC will execute 20-year HAP contracts, contingent on Federal funding, with successful Applicants. Awards made through this RFP are contingent on a federal Subsidy Layering Review (SLR), including properties that have received LIHTC or other Federal resources. Properties that have recently undergone or will soon undergo moderate or significant rehabilitation may trigger Federal Davis Bacon Act requirements.

The Selected Applicant(s) must enter into the HAP contract in the form prescribed by HUD. Modifications are not permitted. Applicants should be aware that, after an award, Equal Opportunity reporting may be required such as an Equal Employment Opportunity Staffing Plan or Minority and Women-owned Business Enterprise Utilization Plan, if applicable. Federal and HUD requirements included in this RFP are not meant to be comprehensive. Other Federal requirements may apply based on the circumstances, such as requirements contained in Section 3 of the Housing and Urban Development Act of 1968. Proposers are strongly encouraged to educate themselves on all program rules before applying. All units occupied must be both income-eligible and adhere to the PHA's subsidy standards, as described in HTFC's Administrative Plan.

<u>Federal Section 8 PBV Summary</u>	
<b>Total # of Units available through this RFP:</b>	Up to 57 units
<b>Eligible Properties</b>	New projects only
<b>Length of Contract being offered:</b>	20 years
<b>Maximum request:</b>	<ol style="list-style-type: none"> <li>1. Higher of 25 units or 25% of units at property; OR</li> <li>2. Properties in a low-poverty area may request PBVs for up to 40% of units OR</li> <li>3. Properties serving elderly (age 62 and older) or households eligible for supportive services have no unit maximum.</li> </ol>
<b>Minimum request:</b>	N/A
<b>Income Targeting:</b>	Very low (50% AMI) and extremely low income (30% AMI) [minimum 75% of new admissions for the HCV program (which includes PBVs) must be at or below 30 % AMI]
<b>*Applicable Statutes and Regulations: (*Not all inclusive - Applicants should be knowledgeable on any applicable regulations)</b>	42 USC § 1437(o)(13), Federal Regulations Title 24, Subtitle B, Chapter IX, Part 983 - Project-Based Voucher (PBV) Program; other Federal regulations applicable to Section 8; NYS HTFC Section 8 Administrative Plan

### 3. Calendar of Events and Milestones

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Eligible Applicants may begin submitting applications for PBVs as soon as the RFP is issued and until the deadline for submission. All applications received will be submitted via e-mail and checked for completeness. Complete applications will be scored and prioritized as per Section 7 of this RFP.

Event	Date
Issuance of RFP	<b><u>January 19, 2021</u></b>
Application Workshop	<b><u>January 29, 2021 at 10 AM. Webinar will be available at the following link:</u></b> <a href="#">Winter 2020-21 WebEx Link</a>  Questions can be submitted in advance to <a href="mailto:RentalRFP@nyshcr.org">RentalRFP@nyshcr.org</a> or may be asked during the webinar.
<b>Application Submission Deadline</b>	<b><u>February 16, 2021, by no later than 5 p.m. Eastern Time unless otherwise amended by HTFC.</u></b>
<b>Anticipated date of awards</b>	<b>On or around March 15, 2021</b>

### 4. Administrative Information and Requirements

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#### 4.1 Technical Assistance

Technical assistance (TA) for Applicants will be available throughout the application period. Those seeking TA should contact the Rental Assistance Program Manager, contact information listed below. Inquiries may be routed to other program staff depending on the question. **If emailing, proposers are strongly encouraged to also cc the general RFP email box at [RentalRFP@nyshcr.org](mailto:RentalRFP@nyshcr.org) to ensure their inquiry can be routed to someone else if the TA contact is not available.**

#### PBV TA Contact

Courtenay Loiseau [Courtenay.Loiseau@nyshcr.org](mailto:Courtenay.Loiseau@nyshcr.org) (518) 417-9127

#### 4.2 Amendments and Addenda

HTFC reserves the right to modify any part of this RFP including, but not limited to, the dates and times listed in Section 3 “*Calendar of Events and Milestones.*” Modifications will be made by issuance of amendments and/or addenda. Any amendment or addendum to this RFP will become part of this RFP. Modifications to the RFP will be posted to the HCR [Funding Opportunities](#) web page.

If the Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Applicant will immediately notify HTFC of such error in writing and request clarification or modification of the document. There are no designated dates for release of addenda. Therefore, interested Applicants should check HTFC's website frequently. It is the sole responsibility of the Applicant to be knowledgeable of all addenda related to this RFP process.

HTFC does not make any guarantees that PBVs will be offered through this type of RFP again in future years.

### 4.3 Partial Awards, Budgeting, and Exceptions

Resources for PBVs are limited. HTFC reserves the right to make an award to an Applicant that is for less or more than the number of vouchers/units requested. HTFC also reserves the right to make an award to a lower scoring application if that application more closely fits the resources remaining. The exact number of PBVs awarded through this RFP is subject to change without notice based on the level of subsidy required for each property, HTFC's ongoing assessment of the program budget and future funding availability, the quality of applications received, and other factors as deemed necessary. HTFC reserves the right to make awards based on criteria other than what is listed in the Evaluation Section of this RFP if the Commissioner determines it is necessary and in the best interest of the State of New York. HTFC may at its discretion establish a waiting list for projects eligible for funding but for which PBVs are not currently available. HTFC may then make additional, partial or full awards at a later date than what is listed in the Calendar of Events, or as additional resources become available.

### 4.4 Applicant Responsibility

#### 4.4.1 General Responsibility

The successful Applicant will remain responsible throughout the Contract term for compliance with all applicable Federal and State requirements, as well as the terms of the contract. The successful Applicant agrees, if requested by HTFC, to present additional evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior experience, and organizational and financial capacity.

By applying in response to this RFP, the Applicant certifies that the property for which assistance is requested is eligible under all applicable Federal and State rules. The applicant also certifies that the units that will receive assistance and the property currently complies with all applicable physical health and safety standards applicable, including but not limited to Federal Housing Quality Standards (HQS). If it is determined at a later date that the property is for any reason ineligible, that the property or any unit seeking assistance does not meet with applicable standard, and/or that the Applicant withheld information or provided information that was incomplete or misleading, HTFC may at its sole discretion immediately terminate the contract and seek civil penalties including repayment of any PBV rental assistance payments received by the property for which it was ineligible.

#### 4.4.2 Environmental Review & Prohibition of Project Work

Applicants are hereby advised that after submission of an application no work may be undertaken, including site acquisition, contracts for services, demolition, and any other site disturbance beyond investigation or testing activities, until either an award is made and HCR's Environmental Analysis Unit has completed an environmental review and issued an environmental clearance letter to the applicant or the



applicant receives a Negative Outcome Letter. If project work or choice limiting actions are made, it may impede or prohibit environmental clearance or use of funding sources. All funding awards are contingent upon completion of HCR's review pursuant to the State Environmental Quality Review Act (6 NYCRR 617) and HUD's National Environmental Policy Act (NEPA) requirements under 24 CFR Part 58 (if HUD funding will be utilized) or Federal Housing Trust Fund (FHTF) housing standard regulations at 24 CFR 93.301. All projects shall comply with: Section 14.09 of the Parks, Recreation, and Historic Preservation Law (or federal equivalent); Floodplain Management Criteria for State Projects (6 NYCRR Part 502); Section 305(4) of the Agriculture and Markets Law; NYS Coastal Zone Management regulations (19 NYCRR Part 600); and, Smart Growth Public Infrastructure Policy Act (NYS Environmental Conservation Law, Article 6), in addition to other policy and laws outlined in HCR's Capital Programs Manual and Design Handbook.

#### 4.4.3 Fair Housing

All awardees must comply with all HCR marketing guidelines and submit an Affirmative Fair Housing Marketing Plan acceptable to HCR's Office of Fair Housing and Equal Opportunity. The Fair and Equitable Housing Office Affirmative Fair Housing Marketing Plan requirements are available at:

<https://hcr.ny.gov/marketingplans-policies> .

#### 4.4.4 Suspension (for Non-Responsibility)

HTFC reserves the right to suspend any or all activities under an award or contract at any time when HTFC discovers information that calls into question the responsibility of any awardee or its subcontractors, partners or affiliates. In that event, the awardee will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the awardee must comply with the terms of the notice. Contract activity may resume at such time as HTFC issues a written notice authorizing a resumption of performance under the Contract.

#### 4.4.5 Termination (for Non-Responsibility)

Upon written notice to the awardee and a reasonable opportunity to be heard by HTFC, the award and/or contract may be terminated by HTFC at the awardee's expense where the awardee or its subcontractors, partners or affiliates is determined by HTFC to be non-responsible. In such event, HTFC may complete the contractual requirements in any manner HTFC deems advisable and pursue available legal or equitable remedies for breach.

#### 4.4.6 Debarment

No entity that is on any Federal or New York State debarment list, or which is otherwise prohibited from bidding on or receiving government contracts may be contracted for any services related to the property for which funding is being sought.

### 4.5 Federal Requirements

PBV Housing Assistance Payment awards and contracts shall be governed by certain Federal terms and conditions for Federal grants, including HUD regulations and any applicable Office of Management and Budget's ("**OMB**") circulars. As listed in 24 CFR 983.4, the following provisions, among others, apply to assistance under the PBV program:

- a. *Civil money penalty.* Penalty for owner breach of Agreement. See 24 CFR 30.68.
- b. *Debarment.* Prohibition on use of debarred, suspended, or ineligible contractors. See 24 CFR 5.105(c) and 2 CFR part 2424.
- c. *Fair housing.* Nondiscrimination and equal opportunity. See 24 CFR 5.105(a)

and section 504 of the Rehabilitation Act.

d. *Fraud*. See 24 CFR part 792. NYCHA retention of recovered funds.

e. *Labor standards*. Regulations implementing the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), 29 CFR part 5, and other Federal laws and regulations pertaining to labor standards applicable to development (including rehabilitation) of a project comprising nine or more assisted units.

f. *Lobbying restriction*. Restrictions on use of funds for lobbying. See 24 CFR 5.105(b).

g. *Program accessibility*. Regulations implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). See 24 CFR parts 8 and 9.

h. *Protection for victims of domestic violence, dating violence, sexual assault or stalking* (24 CFR part 5, subpart L – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking).

h. *Section 3 (as applicable – Training, employment, and contracting opportunities in development)*. Regulations implementing Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u). See 24 CFR part 135.

i. *Uniform financial reporting standards*. See 24 CFR part 5, subpart H.

**This is not a comprehensive list of all Federal requirements.** Additional Federal requirements may be found in Appendix IV of this RFP under “HUD General Provisions.” However, it is the sole responsibility of the Applicant to be aware of and comply with all Federal and State Regulations applicable to the assistance being requested. The regulations listed in this RFP do not invalidate State and local requirements, laws and policies triggered by the receipt of these funds.

#### 4.6 Costs Incurred

HTFC is not liable for any costs that an Applicant incurs in preparing its Application, for any work performed in connection therewith, or for travel expenses related thereto. HTFC’s receipt of an Application from an Applicant in no way obligates HTFC to such Applicant.

#### 4.7 Confidential Information

Certain information that HTFC may furnish in connection with this RFP may be labeled as confidential and should be treated as proprietary information of HTFC by each recipient of this RFP. By the Applicant’s receipt of this RFP, the Applicant agrees not to (a) disclose any part or all of such confidential information furnished to the Applicant pursuant to this RFP to any party, including, without limitation, any law firm or any corporate or government office, except to the extent essential to the preparation of the proposal, and to secure from any party to whom a disclosure is made under this provision, a confidentiality agreement, executed prior to any such disclosure, in which the recipient agrees to keep confidential and to not disclose any such confidential information to any other party (a “**Confidentiality Agreement**”), (b) use such information for any purpose other than to prepare a response to this RFP. Such Confidentiality Agreement must name HTFC as an intended third-party beneficiary with the right to enforce all remedies in an event of any such breach or unauthorized disclosures.

Documents submitted to HTFC may be subject to disclosure under the New York State Freedom of Information Law (“**FOIL**”), N.Y. Pub. Off. Law §§ 85-90. It is the Proposer’s responsibility to designate those portions of its proposal, if any, the Applicant claims should be exempt from disclosure under FOIL. To the extent the law permits, HTFC will use reasonable efforts to hold the designated portions of the application in confidence. An Applicant must clearly designate in its application those portions of the application, if any,

that the Applicant believes are trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Applicant.

## 5. Application Requirements

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A complete application for this RFP is comprised of six (6) separate tabs. Failure to submit a complete application in accordance with this RFP will result in the rejection of the application. In all instances HTFC's determination regarding an application will be final. At HTFC's sole discretion, applications not organized in the manner prescribed in this RFP may be considered incomplete or scored lower. Applicants should not refer to other parts of the application for information that may be publicly available elsewhere, or to the Applicant's or other websites, in lieu of answering a specific question.

### 5.1 Application Submission Requirements

Applications must be delivered by email. Applicants will submit components, referred to here as tabs. Each tab will be consolidated into a single, digital file that contains all the required documents for that section of the proposal.

- Tab One: Cover Letter
- Tab Two: Applicant Information
- Tab Three: Application Narrative
- Tab Four: Operating Assessment
- Tab Five: Vendor Responsibility Questionnaire and Additional Certifications
- Tab Six: Supporting Attachments

Applications must be sent in one email with six attachments, one for each Tab, to [RentalRFP@nyshcr.org](mailto:RentalRFP@nyshcr.org). Each tab must be submitted in a searchable portable document format ("**PDF**") compatible with Adobe Reader XI. HTFC will not accept discs, flash drives, or FTP file references that require downloading information from the Applicant's or a third party's website. If the six files are too large, HTFC may at its discretion approve submitting in multiple emails, and/or breaking up tabs into more than one file.

It is the Applicant's sole responsibility to ensure that all emails and attachments are delivered on time in a legible format. The time of receipt for the application will be the time it is received by HTFC at the email listed above, and not the time it was sent. Applicants assume all risk for application delivery. An application may be deemed to be incomplete or low scoring because it is materially incomplete or not properly formatted. HTFC reserves the right to seek clarification or request additional information. The determination of whether any application is complete or was received on time is at the sole discretion of HTFC. All submitted applications shall become the property of HTFC.

## 6. Content of Applications

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The application should demonstrate that the Applicant is qualified to administer Section 8. It should also demonstrate that the property, the tenants and the community as a whole will directly benefit from the assistance requested.

**All application materials must be typed and submitted in the format prescribed. No handwritten documents will be accepted.**

Applications shall be submitted with the information and documentation listed below in the order in which it is requested. The Applicant must submit an application that clearly provides all information required in this RFP. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and clarity of content. The Applicant is advised to thoroughly read and follow all instructions contained in this RFP. HTFC does not require, nor desire, any promotional material that does not specifically address the response requirements of this RFP.

### 6.1 TAB 1: Application Cover Letter

The Applicant's Cover Letter must not exceed one (1) page and should include:

- A. A brief summary of the request, the address of the property, whether the property is a rehabilitation or new construction.
- B. The organizational history and legal structure of the owner (e.g. individual practitioner, partnership, LLC, corporation, non-profit organization, etc.).
- C. A description of any subcontractor, partners and affiliates who will be involved in the administration of the PBVs requested, including property managers, etc.
- D. A written certification confirming that the information contained in the application is true and accurate and that the person signing the cover letter is authorized to submit the application on behalf of the Applicant.
- E. A written certification that all units for which assistance is requested will meet the applicable Federal and State requirements.

### 6.2 TAB 2: Applicant Information

The Applicant must submit a fully complete Cover Sheet using the fillable form attached.

### 6.3 TAB 3: Application Narrative

The content in Tab 3 must be no more than seven (7) letter-size pages - single or double spaced, minimum 12-point font, and at least one-inch margins. The Narrative shall include the information listed below, numbered and in the order shown.

#### Management Experience & Past Performance

The Applicant will use this section to demonstrate their team is qualified, prepared and ready to perform the tasks required in compliance with applicable regulations. *Attach resumes for the parties in Tab 6.*

- a. Number of properties currently owned that include PBVs.
- b. Number of years involved in management of properties with PBVs.
- c. Number of years and the number of properties owned or managed that include Section 8 Project Based Rental Assistance (“PBRA”) or tenant- based Section 8.
- d. List any monitoring findings, either from HUD or HCR on this or any other properties owned or managed in the past 5 years.
- e. Are any of these findings currently unresolved? If so, please explain.
- f. Has this or any other property owned or managed ever had a PBV contract revoked or cancelled? If so, please explain.
- g. In the past 10 years, has this owner/agent had any fair housing complaints filed against them with any court, HUD, a State agency (such as the NYS Division of Human Rights), or a local or municipal government? If so, please explain.

Description of property/project

- a. A physical description of the property, including the current or anticipated number of buildings, number of units in each building, stories, unit sizes, etc.
- b. Construction or substantial rehabilitation timeline for work to take place including the proposed start date of the work.
- c. The current or anticipated target population served by the property, including current affordability requirements, a breakdown of income limits for all units, and any preferences and set asides. Attach the relevant language from your Tenant Selection Plan related to document any preferences in Tab 6.

Affordability

Describe all existing or anticipated regulatory agreements and Federal, State, or local restrictions that are or will govern the operation of the property. This includes:

- a. The terms of the current or anticipated regulatory requirements of the property, including: 1. the expiration dates of any loan and/or regulatory agreements; and 2. how long the property is required to remain affordable.
- b. A list of any current sources, besides tenant rent, that provide ongoing operating or rental assistance, and the units for which that assistance is tied.

Targeted Populations

- d. Applicant must provide a statement as to whether the units requested will fall into one or more of the following categories:

-The units will be targeted to house individuals or families that meet the definition of homeless under Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302)

-The units will be targeted to house families that are comprised of or include a veteran.

-The units are providing supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.

-The units/property are located in a census tract with a poverty rate of 20 percent or less, as determined by the HUD Project Based Voucher Lookup Tool (<https://www.huduser.gov/portal/maps/hcv/home.html>). Provide screenshot of the map showing the census tract in Tab 6.

## Market Conditions

- a. Describe market conditions at the property; if available, provide a Market Study in Tab 6.
- b. Explain why the addition of PBV assistance is necessary to serve the property's target population, and how the assistance requested will directly improve the property's ability to meet a currently unmet local housing need.
- c. **Specifically explain how, why and to what extent the assistance requested will enable the property to serve a lower income population than the property would otherwise be capable of serving absent that assistance.**

## Community Involvement

The Applicant may demonstrate community involvement by providing evidence of one or more of the following as applicable (attach documentation in Tab 6):

- a. An ongoing supportive services agreement exists with a local human service or community-based organization.
- b. Property ownership or management includes participation by a local, not for profit community-based organization, including sponsorship of the project.
- c. The project is consistent with a local revitalization plan and/or a priority for a Regional Economic Development Council.

## 6.4 TAB 4: Operating Assessment

All Applicants should provide a one-page summary describing the financing details of the project, including each expected funding source. The details of any loans, including principle, interest rate, amortization, term, and any accrual, deferral, balloon or forgiveness provisions should be explained. If a lender, grantor, or syndicator is imposing reserve or escrow requirements, details should be included in the narrative. In addition, each application must include the following attachments (attachments in **bold** require a specific form that will be posted with this RFP):

- A. Applicants must submit either the HCR 9% RFP Underwriting Application or the HCR 4% RFP Underwriting Application. These forms are available on the HCR web site with the application materials for these two RFPs. It is anticipated that Applicants will submit the same underwriting application for both this RFP and for either the 9% or 4% RFP.  
<https://hcr.ny.gov/funding-opportunities>.
- B. Funding commitment letters (for any secured funds) - Please indicate application status for any other funding being sought that is not being provided by HCR. Funding commitment documentation will be required for final PBV allocation.
- C. Tax Credit Allocation letter (if received)
- D. Equity Contribution Schedule - If equity contributed to the project will be paid in installments over time, a schedule should be provided showing the amount and timing of planned contributions.
- E. **Form 2880** (This form can be found here:  
<https://www.hud.gov/sites/dfiles/OCHCO/documents/2880.pdf>)
- F. **SLR Attachment A**

## 6.5 TAB 5: Vendor Responsibility Questionnaire

All parties listed in Tab 2, including the owner, sponsor, and property manager/agent, must complete either a [for-profit vendor responsibility questionnaire](#) or [not-for-profit vendor responsibility questionnaire](#) and attach in Tab 5. Applicants should also include in Tab 5 all the certifications contained within Appendix II. A complete Tab 5 will include:

1. Vendor Responsibility Questionnaire(s)
2. Affirmation of Understanding and Agreement Pursuant to State Finance Law
3. Certification of Compliance – State Finance Law

## 6.6 TAB 6: Attachments and Disclosures

Any applicable attachments from the Applicant Information and Narrative should be included here including resumes of key staff, tenant selection plan language as references in Tab 3, market study, screen shot from HUD website for low poverty census tract (<https://www.huduser.gov/portal/maps/hcv/home.html>), proof of community involvement, and any additional references information from other Tabs of the application.

In addition, please provide the following:

### 6.6.1 Site Control (taken from Tab B-4 of the Multifamily Finance RFP)

For a project to be considered eligible, all applicants must attach evidence of site control for all sites/buildings in the project. Any site control documentation that includes an offer and acceptance such as a contract of sale, option or lease, must be in the name of the Applicant, must be legally binding at the time of application, and must include the signatures of all required parties to be considered acceptable documentation of site control. Any deed restrictions or restrictions on use must be affirmatively declared at application submission. HCR reserves the right to object to any restrictions which may negatively impact agency statutes, rules or regulations. **Any application that does not include proof of site control in one of the following forms may be deemed incomplete and will not be reviewed further.** Acceptable forms of site control, in order of preference, are:

- A deed evidencing ownership by the applicant
- A title report not more than 90 days old at the time of application submission showing that the applicant holds title
- A signed contract of sale between the applicant and the property owner which describes the terms and conditions for the conveyance of the title at a designated price during a specific period which is renewable or with a term expiring no less than six months from the date of the application deadline for the funding round
- A signed option to purchase between the applicant and the property owner which is renewable or contains a term which continues the option to purchase for at least six months beyond the date of the funding round application deadline
- A local Land Disposition Agreement between the project municipality and the applicant

- A letter from a public agency offering the site(s) to the applicant under specified conditions within a timeframe that is consistent with the information provided in the proposed closing timeline (Tab C-1)
- A letter from the New York City Department of Housing Preservation & Development (NYC HPD) to the applicant which specifies an expiration date at least six months beyond the date of the application deadline for the funding round and which clearly matches the property(ies) identified in Tab C-2 and the project plans. (Please see the NYC HPD Site-Control Guidelines for more information regarding the use of HPD-owned sites)
- A signed lease with a term that is equal to the regulatory period for the applicable program(s) having the applicant as lessee.

For projects with multiple sites, executed site control documents must be included for each address as one attachment labeled as Tab C-3 (i.e., if there are multiple sites, all site control documents for the project must be uploaded as one PDF file). The attachment must include a summary cover sheet with all site addresses that match those listed in Tab C-2.

#### 6.6.2 Insurance

Attach evidence that the property is properly insured per its current or future regulatory agreement.

#### 6.6.4 Additional Certifications

None required

#### 6.6.5 Disclosures

Attach a separate letter from the applicant indicating whether the applicant or any of its subcontractors, partners or affiliates is required to make any of the disclosures listed below. If no disclosures are required, please provide a letter stating that there are no disclosures.

#### **Conflict of Interest**

Disclose any existing or contemplated relationship with any other person or entity, including relationships with any parent, subsidiary or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety relating to other clients/customers of the Proposer, or former officers and employees of HTFC and its Affiliates, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify HTFC of, and resolve any such conflicts.

#### **Other Disclosures**

The Applicant must disclose whether any of the individuals or entities listed in Tab 2 have been the subject of any adverse findings that may prevent HTFC from selecting Applicant. Such adverse findings may include, but are not limited to:



- investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, “**Commission**”), or a commission of public integrity in another State;
- negative findings from the NYS Inspector General, a Federal Inspector General, or from the U.S. Government Accountability Office, or from an Inspector General in another State;
- pending or unresolved legal action from the U.S. Attorney General or from an attorney general in NYS or another State;
- arson conviction or pending case;
- harassment conviction or pending case;
- local, NYS or other State, Federal or private mortgage arrears, default, or foreclosure proceedings;
- in rem foreclosure;
- tax liens or substantial tax arrears;
- fair housing violations, litigation or administrative procedures currently underway or commenced within the last 10 years;
- defaults under any Federal, State, or locally sponsored program;
- a record of substantial building code violations or litigation against properties owned and/or managed by Applicant, or by any entity or individual that comprises Applicant;
- past or pending voluntary or involuntary bankruptcy proceeding;
- conviction for fraud, bribery, or grand larceny; and
- entity listed on the Federal or State excluded parties’ lists.

The Applicant must include a brief description for any negative finding that indicates how the finding was resolved or whether it remains unresolved. HTFC reserves the right to terminate a contract or rescind an award in the event it determines that a proposer failed to properly disclose.

## 7. Evaluation, Selection and Notification

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### 7.1 Completeness Review

All applications submitted prior to the deadline will be reviewed to determine if they contain all required components specified in this RFP. Late applications will be rejected. For applications submitted on time but determined to be incomplete, applicants will be given one opportunity to submit the items missing within 3 business days. If the applicant fails to submit the missing items within the specified timeframe, that application will be rejected.

### 7.2 Application Scoring

Complete applications will be scored by a review committee. To be considered for funding, the property must, at minimum, demonstrate that:

1. It is eligible under the terms of this RFP and currently in compliance with all applicable Federal and State requirements, as well as the terms of any current regulatory agreements.
2. There is a need for the assistance requested, based on current cash flow, debt-coverage ratio and tenant population served.
3. The property meets the applicable physical standard.

In addition, applications will receive points based on the following, among other factors:

1. Management experience and past performance – more points will be awarded for owners and managing agents with successful prior experience administering Section 8.
2. Locational advantages/need – More points will be awarded to projects that currently meet a defined local or regional housing need, deconcentrate poverty, or contribute to a revitalization effort; Applicants who can demonstrate specifically how the assistance requested will allow the property to better serve a lower-income population that is currently unserved or underserved will receive the most points.
3. Market demand – more points will be awarded based on the extent to which there is a clearly demonstrated demand for the units.
4. Readiness – In existing properties: Units that are either vacant, or for which the owner has determined the current tenants are eligible for the assistance requested, will be scored higher. In properties needing construction: applications demonstrating readiness to begin construction will be scored higher.
5. Community involvement – More points will be awarded for the degree of community involvement in and support for the project.
6. Affordability – Properties that currently have a long-term loan or regulatory agreement in place, or that have a plan to extend affordability will score higher.
7. PBV priorities – Projects that fall into one of the following categories will receive additional points:
  - The units will be targeted to house individuals or families that meet the definition of homeless under Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302)

- The units will be targeted to house families that are comprised of or include a veteran.
- The units are providing supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.

**HTFC reserves the right to reject any application in response to this RFP, regardless of its score, when HTFC discovers information that calls into question the responsibility of the Applicant or its subcontractors, partners or affiliates.**

### 7.3 Due Diligence – Pre-Award

HTFC may at its discretion contact Applicants, either verbally or in writing, to obtain additional information or visit the property as necessary. Pre-Award due diligence may include but is not limited to:

1. Subsidy Layering Review or other financial analysis.
2. Federal Davis Bacon, Section 3, MWBE utilization and other compliance monitoring for properties engaging in moderate or significant rehabilitation that has been recently undertaken or will be undertaken.
3. Compliance monitoring as necessary for HOME, LIHTC or any other applicable source previously used to develop the property.
4. Background check/due diligence regarding the property, ownership, and principals.
5. Any other due diligence determined to be necessary by HTFC to comply with Federal and State requirements and/or to protect the State's investment.

### 7.4 Due Diligence – Post Award

Once a property is awarded PBVs, HTFC may need to perform additional due diligence prior to contract execution. HTFC reserves the right to rescind an award if it determines that a property is ineligible for funding under Federal or State regulations or the terms of this RFP. The length of time required for post award due diligence will vary based on the specific requirements of each property. Post Award Due Diligence may include but is not limited to:

#### 7.4.1 Property Inspections

After an award is made and once the property has completed construction, HTFC will schedule an HQS inspection with the appropriate LA. HTFC reserves the right to eliminate specific units from an application that fail an inspection, or decline an application or rescind an award for an entire property, if it determines that failing items in one or more units, or in common areas, raise a significant concern for the property as a whole.

#### 7.4.2 Environmental Review

Environmental Review is required for PBV assistance, with specific review depending upon the degree and amount of new construction, rehabilitation, or maintenance work that is on-going or anticipated across the entire project (not limited to the assisted units). On-going or foreseeable new construction will trigger the

need for determinations by HTFC that could require thirty days or more. Projects requiring only maintenance, or where no project work is proposed, can be processed in less time.

All PBV awards will be subject to SEQRA and HUD's National Environmental Policy Act (NEPA) regulations at 24 CFR Part 58. On-going or foreseeable new construction or rehabilitation will trigger the need for determinations by HTFC that could require significant input and cooperation by the Applicant, including consultant and publication fees, preparation of a Phase I Environmental Site Assessment (ESA), and at least a 90-day review time should be anticipated. **All on-going new construction or rehabilitation work must stop once the PBV application is made, until the environmental review is complete, or the PBVs will no longer be available to the project since the on-going work would constitute a choice-limiting action under 24 CFR 58.22.** Projects requiring maintenance, as determined by HCR, in accordance with HUD Guidance, or no project work, can be processed in significantly less time.

Additional reviews may be required to verify compliance with Federal or State requirements for Lead Based Paint, Asbestos, or other health and safety items as deemed necessary by HTFC.

**Appendix I: Application Cover Sheet**

**Attach this form as Tab 2 of your application. This form is fillable**

**DATE OF APPLICATION:** \_\_\_\_\_

**THE PROPERTY REQUESTING SECTION 8 PBV ASSISTANCE:**

Property Name: \_\_\_\_\_

Developer: \_\_\_\_\_

HCR Property Identification Number (if assigned): \_\_\_\_\_

Number of Units for which assistance is requested: \_\_\_\_\_

Total Number of Units in the Property: \_\_\_\_\_

Property Address:

\_\_\_\_\_  
\_\_\_\_\_

Census Tract #: \_\_\_\_\_ Is this a low-income Census Tract? Yes No

County: \_\_\_\_\_

Please list other funding in property or funding that is currently being applied for: \_\_\_\_\_

**Will assisted units fall into any of the categories listed below (check all that apply):**

- Preference is given to homeless individuals or families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act
- Preference is given to households that are comprised of or include a veteran
- The units provide supportive housing to persons with disabilities or elderly persons
- The property is in a census tract with a poverty rate of 20% or less

**Elected Officials:**

State Senator representing property: \_\_\_\_\_ District # \_\_\_\_\_

State Assembly member \_\_\_\_\_ District # \_\_\_\_\_

U.S. Congressional Rep. \_\_\_\_\_ District # \_\_\_\_\_

**GENERAL INFORMATION ON PROPERTY OWNER/SPONSOR:**

Legal Name of Firm: \_\_\_\_\_

Firm's Mailing Address: \_\_\_\_\_

Firm's Website: \_\_\_\_\_

Firm's Main Telephone Number (including area code): \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

**MAIN CONTACT FOR INFORMATION REGARDING THIS APPLICATION:**

Please list the individual who prepared *this application*:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**PROPERTY OWNER/SPONSOR CONTACT:**

Please list the chief executive for the sponsor, the developer and/or the ownership entity for this property (add additional sheets if necessary):

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**PROPERTY MANAGER/ AGENT/ ON-SITE CONTACT:**

Please list the property management agent who will oversee rental assistance for this property (*if different from the entity listed above*):

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number (including area code): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Appendix II: Additional Certifications**

Affirmation of Understanding and Agreement Pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Applicant affirms that it understands and agrees to comply with the procedures of the DHCR/HTFC relative to permissible Contacts as required by State Finance Law §§ 139- j (3) and 139-K (6) (b).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

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**Certification of Compliance with State Finance Law §139-k (5)**

Offeror certifies that all information provided to the DHCR/HTFC with respect to State Finance Law §139-k is complete, true, and accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

