

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



RFP Issuance Date: Tuesday, March 15, 2022

Deadline for Proposals: Monday, May 2, 2022, 5 p.m. Eastern Time

Anticipated Award Date: June 15, 2022 (date amended on 3/22/22)

HOUSING TRUST FUND CORPORATION

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

www.hcr.ny.gov

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1. Introduction

[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”) 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 assistance through this RFP. This RFP is being issued in parallel with HCR’s most recent Multi-Family Finance, 9 percent Low Income Housing Tax Credit (“LIHTC”) RFP. All Applicants will fall into one of two categories or “tracks.” **Applicants should pay careful attention to which track their application falls within to ensure they are following the correct instructions for application submission.**

Track 1 – New Projects - This includes any property eligible for PBV assistance where either new construction or substantial rehabilitation will take place within the next two years. Properties in this track 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 funding source through either DHCR, HTFC or HFA. Properties must not have started construction or undertaken any choice limiting actions per 24 CFR 58.22 before signing an Agreement to enter into a Housing Assistance Payment Contract (AHAP) for PBV units.

Track 2 – Existing Properties without rental assistance - Applicants may apply for PBVs for existing properties where construction or substantial rehabilitation has NOT taken place in the past year and will NOT take place within the next two years. To be considered, the property must have previously received funding from DHCR, HTFC or HFA under the following programs – 9% Low Income Housing Tax Credits (“LIHTC”); 4% LIHTC; HTFC financing; HOME financing; HFA bond financing, SLIHTC, other competitively-awarded HFA or HTFC loan or subsidy; State-supervised public housing; State supervised Mitchell-Lama housing.

To seek PBVs as an existing property, a property must be: 1. existing housing (per HUD 24 CFR 983.3); 2. with a current regulatory agreement through one or more of the above listed programs; and 3. at the time of award be in compliance with Housing Quality Standards (“HQS”) and other applicable requirements.

Properties with a current PBV contract with HCR who wish to add units may also apply under Track 2 if they meet the qualifying criteria listed above.

2. Purpose

HTFC seeks qualified Applicants to achieve the following goals:

- 1) 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.
- 2) Preserve the long-term viability of existing affordable housing previously assisted with Federal and State investments.

Through this RFP, Applicants may request PBV rental assistance for existing or new 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, and/or are included within the same HCR SHARS number. Existing housing must have all housing units substantially comply with the PBV Housing Quality Standard (HQS) for physical condition at the time of award to be eligible. The Applicant must identify the specific units to be served and confirm that they are not presently 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 approximately 45,000 Section 8 Housing Choice Vouchers (“HCV”) for very low and extremely low-income households across New York State, including more than 7,000 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.

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. **Applicants may apply for PBVs from HTFC in any county in New York State.** This includes counties in which HTFC does not administer tenant-based vouchers.

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 the [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.

The total number of PBVs per property includes all PBV contracts. They do not include tenant-based Section 8 vouchers (also known as Housing Choice Vouchers).

There is no minimum unit request threshold.

The following property types will be prioritized for PBV units:

- Properties providing supportive housing to persons with disabilities or elderly persons. To be prioritized, the services must apply to the PBV units.
- Properties serving veterans
- Properties serving homeless households (as defined by section 103 of the McKinney-Vento Homeless Assistance act)
- State-aided public housing, defined as projects funded by New York's Public Housing Law of 1939 that are currently under regulation by DHCR, are not federalized or in the process of being federalized, and do not have another source of rental assistance for the units in which PBVs are requested.
- Properties located in a low-poverty census tract

HTFC will execute 20-year HAP contracts, contingent on Federal funding, with successful Applicants. Awards to Track 1 properties made through this RFP are contingent on a federal Subsidy Layering Review (SLR), including properties that have received LIHTC or other Federal resources; however, all properties will be expected to meet stated financial conditions or provide adequate proof of financial feasibility. 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 Davis Bacon. 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](#).

Federal Section 8 PBV Summary

Total # of Units available through this RFP:	Up to 500 units
Eligible Properties	Properties requiring construction or existing properties
Length of Contract being offered:	20 years
Maximum request:	<ol style="list-style-type: none">1. Higher of 25 units or 25% of units at property; OR2. Properties in a HUD designated low-poverty area may request PBVs for up to 40% of units OR3. Properties serving elderly (age 62 and older) or households eligible for supportive services have no unit maximum.
Minimum request:	N/A
Income Targeting:	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]
*Applicable Statutes and Regulations: (*Not all inclusive - Applicants should be knowledgeable on any applicable regulations)	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

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	<u>Tuesday, March 15, 2022</u>
Application Workshop	<u>Tuesday, April 5 at 12 noon</u> Meeting Link: https://meetny.webex.com/meetny/j.php?MTID=me6286879a815178de85f49f6b877f803 Meeting number (access code): 1619 77 2583 Meeting password: PBVRFP2022 Join by phone +1-518-549-0500 USA Toll
Application Submission Deadline	<u>Monday, May 2, 2022, at 5 PM Eastern Time</u>
Anticipated date of awards	On or around June 15, 2022

4. Administrative Information and Requirements

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. Existing properties in Track 2 are strongly encouraged to pursue TA. 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 <mailto:RentalRFP@hcr.ny.gov> to ensure their inquiry can be routed to someone else if the TA contact is not available.**

PBV TA Contact

Courtenay Loiseau

Courtenay.Loiseau@hcr.ny.gov

(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 Federal Housing Trust Fund (FHTF) will be utilized, the housing standard regulations at 24 CFR 93.301 will also be applicable. All projects shall comply with: Section 106 of the National Historic Preservation Act; Floodplain Management Criteria (Floodplain mapping can be found here: <https://msc.fema.gov/portal/home>) Section 305(4) of the Agriculture and Markets Law; 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. Note that there are some instances where environmental review requirements will prohibit an allocation of PBVs to a project (including but not limited to project sites with FEMA defined floodways, Coastal Barrier Resource Areas, and several situations if FHTF is utilized). Refer to 24 CFR Part 58 for PBV only applications and to the [HCR FHTF Term Sheet](#) for any project also contemplating FHTF.

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/marketing-plans-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

A complete application for this RFP is comprised of six (6) separate tabs. The Application must be complete and prepared in a format consistent with the instructions provided in this RFP. 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 Four: Operating Assessment should also be submitted in Excel format.

- Tab One: Cover Letter
- Tab Two: Applicant Information
- Tab Three: Application Narrative
- Tab Four: Operating Assessment (submitted in PDF and Excel format)
- 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@hcr.ny.gov. 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

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 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.

The application content varies for Properties Requiring Construction (concurrently applying for the 9% multifamily finance RFP) and Existing Properties as outlined below.

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, new construction, or existing.
- 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 form attached (Appendix I).

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”), HUD 202, other project-based vouchers (please describe) 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, utilize the following format to report:

<u>Date of complaint and resolution date (if applicable)</u>	<u>Name of complainant</u>	<u>Outcome of complaint</u>	<u>If complaint is open or required settlement, please provide the nature of the complaint and details of settlement.</u>

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. For properties involving new construction or substantial rehabilitation, provide a timeline for when work will take place.
- c. For existing properties, the overall condition of the property, including a schedule of current capital needs and any current code violations; the Applicant **must** also provide the outcome of any recent building code inspection, Federal or State monitoring visit, HQS inspection, and/or any other inspection required by a Federal, State or private lender, investor or funding source.
- d. 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 regulatory agreements and Federal, State, or local restrictions that are or will govern the operation of the property. This includes:

- a. The financing history of the property, including a list of all development sources, the amounts received and terms, and the year the property was placed in service.

- b. The terms of the current 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.
- c. For properties in which a loan or regulatory agreement will expire within the next three years, describe: 1. what is the owner/agent's long-term plan to maintain affordability, reduce operating costs, and improve design, health, safety, quality of life, etc.; and 2. what entities the property owner or agent has approached to implement the plan and what financing is already committed or will be sought.
- d. 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

- e. 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). Please provide information on referral source and attach service plan (if applicable) in Tab 6.
 - The units will be targeted to house families that are comprised of or include a veteran. Please provide information on referral source and attach service plan (if applicable) in Tab 6.
 - The units are providing supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403. Please provide information on referral source and attach service plan in Tab 6.
 - 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.
 - Property will be designated for elderly households age 62+ (not considered supportive housing)
 - Property is state-aided public housing.

Market Conditions

- a. Describe market conditions at the property; for properties in Track 1, provide a Market Study in Tab 6. For properties in Tracks 2, a market study is not required for this RFP; however, if a market study has been conducted within the past 5 years, the Applicant may choose to attach relevant components in Tab 6.
- b. For existing properties, provide:
 - the annual vacancy rate for the past 5 years
 - the number of applicants on the current waiting list
 - how many months applicants wait on average to be selected from the waiting list.

Describe and quantify the overall need and demand for affordable units in the community. If applicants are selected from a shared waitlist such as through a Continuum of Care, please provide detailed information on applicant selection process for this property.

- c. 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.
- d. **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.**
- e. For existing properties, explain why PBV rental assistance was not part of previous financing for the property, and why it is necessary now. Explain what other steps have been taken to improve the operating economics of the property. For properties with debt service payments, has the property requested a refinancing or restructuring of the loan?
- f. Describe the marketing and outreach efforts for the property; if the property has a Fair Housing Marketing Plan, you may include relevant components in Tab 6.

Community Involvement

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

- a. An ongoing supportive services agreement with a local human service or community-based organization.
- b. Property ownership or management participation by a local, not for profit community-based organization, including sponsorship of the project.

Please specify units which these agreements apply within the building and which, if any, will have a PBV placed on them if awarded.

6.4 TAB 4: Operating Assessment (See instructions below for tracks)

All Applicants should provide a one-page summary describing the financing details of the project, including each 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).

PBV rents cannot exceed a reasonable rent and/or 110% of the Fair Market Rent for the county where the property is located. Fair Market Rent information is published annually by HUD at this website:

<https://www.huduser.gov/portal/datasets/fmr.html>.

Track 1 Applications

- 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.

Track 2 Applications

- A. **Existing Property Underwriting Application** – This will include projected rental, commercial, and miscellaneous income, vacancy loss, operating expenses, debt service, reserve contributions, and cash flow, with year 1 aligning with your last annual audit. The Underwriting Application should reflect the property's last audit in year one and then project the income received from the requested added Project-based Section 8 vouchers. The Debt Coverage Ratio and Cash Flow Percentage MUST be within listed standards or the property may be found ineligible. Please provide explanation for any Debt Coverage Ratio of Cash Flow Percentage outside the standards in the notes column.

6.5 TAB 5: Vendor Responsibility Questionnaire

(Required for Tracks 1, 2 and 3)

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

(Required for Tracks 1, 2, and 3)

Any applicable attachments from the Applicant Information and Narrative should be included here. In addition, please provide the following:

6.6.1 Site Control (for Track 1 – 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.

6.6.3 Financial Capacity

Attach the property's most recent tax returns, or if available, audited financial Statements.

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

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 in Tracks 1 and 2 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 the project, including the extent to which a community-based not-for-profit organization is part of the sponsorship or management, or has a supportive services agreement with the property.
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.
- State-aided public housing, defined as projects funded by New York's Public Housing Law of 1939 that are currently under regulation by DHCR, are not federalized or in the process of being federalized, and do not have another source of rental assistance for the units in which PBVs are requested.
- Properties located in a low-poverty census tract

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. FEMA defined floodway.
6. 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

For PBV requests – The Applicant will certify at the time of application that all existing units for which assistance is requested meet HQS. After an award is made, 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

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 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, but will require submittal of a Phase I Environmental Site Assessment (ESA) and resolution of any Recognized Environmental Conditions.

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.

Application Checklist

	Track 1	Track 2
Proposal Section	New Construction/Sub. Rehab	Existing Properties
Tab 1 Cover Letter (1 page)	x	x
Tab 2 Proposer Info (Required Cover Sheet)	x	x
Tab 3 Narrative (7 pages)	x	x
<u>Tab 4 Operating Assessment:</u>		
One page summary (1)		
9%/4% underwriting application	x	
Funding Commitment	x	
LIHTC Allocation letter	x	
Equity Contribution Schedule	x	
Historic Tax Credit letter	x	
Existing Property underwriting application:		x
a) 20 year Pro Forma (part of underwriting application)		x
b) SLR Attachment A (part of underwriting application)		x
c) Existing Units tab		x
<u>Tab 5</u>		
Vendor Responsibility Q.	x	x
Aff. of Understanding	x	x
Certificate of Compliance	x	x
<u>Tab 6</u>		
Site control	x	
Market Study	x	
Insurance	x	x
Financial Statements	x	x
Other Disclosures	x	x

Resumes	x	x
Service Plan	x	x

Appendix I: Application Cover Sheet

Attach this form as Tab 2 of your application.

DATE OF APPLICATION: _____

THE PROPERTY REQUESTING SECTION 8 PBV ASSISTANCE:

Property Name: _____

HCR Property Identification number (SHARS or other – Track 2): _____

Number of Units for which assistance is requested: _____

Total number of units in the property: _____

Proposal Track: Track 1 Track 2

PBV units requested with contract/gross rent expected:

	# PBVs requested	Contract Rent*	Gross Rent**
Efficiency/Studio			
One Bedroom			
Two Bedroom			
Three Bedroom			
Four Bedroom			
Five + Bedroom			

*Contract Rent = Requested rent if awarded PBV

**Gross Rent = Contract Rent + estimated utility cost. If awarded, the project will use the HCR utility allowances which are available upon request by county.

Will assisted units fall into any of the categories listed below? (check all that will apply to the PBV units):

- 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. To be eligible in this category, the requested PBV units must be providing supportive housing services. For Track 2 projects, if you do not currently provide supportive housing but check this category, please provide a plan for providing supportive services in Tab 6.

Population to be served: _____

List supportive services provided/to be provided:

- The property is state-aided public housing

- The property is in a census tract with a poverty rate of 20% or less
- The property is for elderly households aged 62 and older with no support services offered

Property Address:

Census Tract #: _____

County: _____

Is this a low-income Census Tract? Yes No

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: _____

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: _____
