



Homes and Community Renewal

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Notice of Funding Availability & Request for Proposals

New York State Rural Rental Assistance Program ("RRAP")

NOFA Issuance Date: Tuesday, September 10, 2024

Deadline for Proposals: Monday, February 10, 2025, Noon Eastern
Time

Anticipated Award date: Ongoing

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1. Introduction and Purpose

[New York State Homes and Community Renewal](#) (“HCR”) consists of 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 and state rental assistance program across New York State, including the New York State Rural Rental Assistance Program (“RRAP”).

HTFC is soliciting applications from qualified property owners (“Applicants”) to apply for rental assistance in the form of RRAP through this NOFA.

HTFC WILL NOT ISSUE A NOFA FOR SECTION 8 PROJECT BASED VOUCHERS DURING 2024.

HTFC seeks qualified Applicants to achieve the following goals:

- 1) Increase the supply of assisted housing units in rural communities across New York State.
- 2) Preserve the long-term viability/affordability of rental housing leveraging Federal and State investments.
- 3) Achieve a balanced distribution of program funds in respect to the need for adequate housing for low-income households in rural areas of New York State.

2. Rural Rental Assistance Program Description

2.1 Applications for RRAP

RRAP provides direct rental subsidies to property owners for low-income elderly and family tenants residing in multifamily properties located in rural areas of New York State and financed with mortgages from the United States Department of Agriculture (“USDA”) Rural Housing Services (RHS), formerly Farmers Home Administration, 515 Program (“515”). Currently, HTFC provides RRAP to 242 properties, totaling 5,020 units. RRAP currently operates only in conjunction with low-interest mortgage financing provided by the USDA under Title V of the Housing Act of 1949. RRAP units are subject to largely the same regulations that govern units receiving federal 521 rental assistance. Subsidies under RRAP are equal to the difference between 30 percent of the tenant's adjusted monthly income and the tenant's monthly housing expenses. Owners/agents (“O/As”) are responsible for establishing and maintaining a wait list of qualified applicants for each 515 property. Annual RRAP funding is subject to State Budget appropriations and compliance with federal and state requirements. HTFC engages RRAP properties in 5-year contracts, contingent each year on available funds, to provide rental assistance to each apartment (“unit”) included within the program.

Only properties with an existing loan agreement with the USDA under the 515 program that are compliant with USDA property standards and other requirements are eligible to apply for RRAP through this NOFA. This may include any unsubsidized units in 515 properties, regardless of whether there is presently an RRAP contract.



Applicants who are new to this process are strongly encouraged to seek technical assistance before submitting a proposal. See Section 4.1 for contact information to request assistance.

2.2 Number of RRAP units per property

Applicants must submit a separate application for each property. Group applications, or applications covering more than one property will not be accepted. **Applicants may request up to 30 new units of RRAP for each property.** Besides the exception described below, HTFC shall not provide RRAP to units that presently receive any form of federal Section 8, or any other form of a permanent rental subsidy.

FOR THIS ROUND ONLY – At its discretion, HTFC may consider proposals to replace Section 8 Project Based Vouchers (“PBVs”). However, the PBVs must be administered by HTFC through one of its Local Administrators. HTFC will NOT replace PBV assistance being provided by any other Public Housing Authority.

2.3 RRAP priorities

Applicants will be prioritized for RRAP assistance based on the following:

- A balanced distribution of program funds with respect to the need for adequate housing of low-income households in rural areas of New York State.
- The existence of a substantial low-income population in the area, relative to its total population.
- The scarcity of safe, affordable rental housing for persons of low income in the area.
- The existence of substantial unmet housing needs on the part of the elderly, larger families, or any other special population group in the area, and the potential role of the project in meeting such needs.
- The degree of community involvement in the proposed project, including but not limited to the participation in sponsorship by corporations funded under article XVII of the Private Housing Finance Law or other community-based not-for-profit organizations.
- The degree to which rental assistance is needed to make the project available to low-income tenants.
- The degree to which the project may generate additional funding or other support for low-income housing or related programs in rural areas.
- The existence of a preservation plan to maintain affordability.

2.4 Additional Requirements RRAP

All units with RRAP funding are subject to applicable Federal and New York State requirements, including but not limited to USDA regulations related to the 515 and 521 programs and State Statutory and regulatory requirements for RRAP. To be eligible, the Proposer must identify the specific units to



be served and confirm that those units will not be assisted through any other Federal, State, or local source of rental assistance at the time of contract execution (see the exception above).

The Selected Proposer(s) must enter into the NYS HTFC Agreement in the form prescribed by HTFC. The RRAP contract will include Standard Clauses for Contracts with the New York State Housing Finance Agency. (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 Business Enterprise if applicable). Once HTFC provides a final version of the Agreement, no modifications by the Proposer will be permitted. Proposers are strongly encouraged to educate themselves on all program rules before applying.

RRAP Summary	
Funding available through this NOFA:	<u>Sufficient funding for up to 124 units of rental assistance across New York is being made available through this NOFA.</u>
Eligible Properties	Must have an existing 515 Mortgage
Length of Contract being offered:	5-year contracts
Maximum # of units a Proposer may request:	No more than 30 units per property
Minimum # of units a Proposer may request:	Not Applicable
Income Targeting:	Low (80% AMI) and Very low (50% AMI)
*Applicable Statutes and Regulations:	USDA RD 515 program (42 USC § 1471 <i>et seq.</i>), 7 CFR Subtitle B, NYS Private Housing Finance Law Article 17-A – Rental Assistance Program for Rural Areas, 9 NYCRR Part 2800
<i>*Not all inclusive - Proposers should be fully knowledgeable on all applicable regulations</i>	

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3. Calendar of Events and Milestones

Eligible Applicants may begin submitting applications for RRAP units as soon as the NOFA is issued and until the deadline for submission. This calendar is subject to change at HTFC discretion.

Event	Date
Issuance of NOFA	<u>Tuesday, September 10, 2024</u>
Application Workshop	<u>Tuesday, October 1, 2024, at 10 a.m. (tentative)</u> Location and instructions for participating remotely will be circulated separately. Additional sessions may be scheduled as necessary at HTFC's discretion.
Technical Assistance Dates	<u>Unless otherwise specified, technical assistance may be requested throughout the application period until two weeks prior to the application deadline, or until all available funding is obligated, whichever comes first.</u>
Application Submission Deadline	<u>Monday, February 10, 2025, noon Eastern Time – or – until all available funds are obligated – whichever comes first.</u>
Anticipated date of awards	Ongoing



4. Administrative Information and Requirements

4.1 Technical Assistance

Technical assistance (TA) for Applicants may be requested. Individual questions will be answered via email. **If emailing, proposers are strongly encouraged to also cc the general NOFA email box at RentalRFP@hcr.ny.gov to ensure their inquiry can be forwarded if the TA contact listed below is not available.**

RRAP TA Contact

Judith Bouchard

Judith.Bouchard@hcr.ny.gov

(518) 402-7209

4.2 Amendments and Addenda

HTFC reserves the right to modify any part of this NOFA including, but not limited to, the dates and times listed in Section 4 “*Calendar of Events and Milestones.*” Modifications will be made by issuance of amendments and/or addenda. Any amendment or addendum to this NOFA will become part of this NOFA. Modifications to the NOFA will be posted to the HCR [Funding Opportunities](#) web page.

If the Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this NOFA, 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 NOFA process. HTFC does not make any guarantees that RRAP will be offered through this type of NOFA again in future years.

4.3 Partial Awards, Budgeting, and Exceptions

Resources are limited. HTFC reserves the right to make an award to an Applicant that is for less or more than the number of units requested. HTFC also reserves the right to make an award to a lower scoring application if that application: 1. more closely fits the resources remaining; or 2. Is necessary to ensure an equitable distribution of resources across the state. The exact number of units awarded through this NOFA 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. HTFC reserves the right to make awards based on criteria other than what is listed in the Evaluation Section of this NOFA if the Commissioner determines it is necessary and in the best interest of the State of New York.



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, and organizational/financial capacity.

By applying in response to this NOFA, 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 itself currently complies with all applicable physical health and safety standards. If it is determined at a later date that the property is for any reason ineligible, or that the property or any unit seeking assistance does not meet the 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 rental assistance payments received by the ineligible property.

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 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 is conducted, 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). All projects shall comply with: Section 14.09 of the New York State 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. Additional requirements may apply for properties also receiving federal assistance or financing. Please note that there are some instances where environmental review requirements will prohibit an allocation of RRAP.

4.4.3 Fair Housing

Awardees are required to take actions that affirmatively further fair housing (AFFH), which includes:

- a. Complying with all Federal, New York State and local fair housing and non-discrimination laws, as applicable.



- b. Establishing linkages with local fair housing organizations to direct any instances of potential fair housing discrimination. and
- c. Creating and enacting an outreach and marketing plan (known as an Affirmative Fair Housing Marketing Plan) to reach communities that are least likely to apply to the program/units because they are a demographic minority in the area. 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 Accessibility

Projects must meet accessibility requirements of RRAP; if awarded, projects may be required to provide architect certification of compliance with Section 504 of the Rehabilitation Act of 1973.

4.4.5 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.

4.4.6 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.

An application may be rejected and an award or contract may be terminated for any of the compliance issues listed below:

- 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 by the U.S. Department of Agriculture or the U.S. Department of Housing and Urban Development.
- 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.
- Entity listed on the Federal or State excluded parties' or debarment lists.
- Other reasons as determined necessary and in the interest of HTFC.

4.4.7 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

RRAP awards and contracts shall be governed by certain Federal terms and conditions, including USDA RD regulations. As listed in 7 CFR 3560.4, the following provisions, among others, apply to the Section 515 Program:

- a. National flood insurance. The National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973; the National Flood Insurance Reform Act of 1994; and 7 CFR part 1806, subpart B, or any successor regulation.
- b. Clean Air Act and Water Pollution Control Act. For any contract, all applicable standards, orders or requirements issued under section 306 of the Clean Air Act; section 508 of the Clean Water Act, Executive Order 11738, and 40 CFR part 32.
- c. Historic preservation. The provisions of 7 CFR part 1901, subpart F or any successor regulation.
- d. Lead-based paint. The applicable provisions of 24 CFR part 35, subparts A through D, J, and R, as published by the U.S. Department of Housing and Urban Development.

This is not a comprehensive list of all requirements. 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 NOFA 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 NOFA may be labeled as confidential and should be treated as proprietary information of HTFC by each recipient of this NOFA. By the Applicant's receipt of this NOFA, the Applicant agrees not to (a) disclose any part or all of such confidential information furnished to the Applicant pursuant to this NOFA 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 NOFA. 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.

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 NOFA 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 NOFA, 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.

All awards are contingent on future State Budget appropriations. HTFC reserves the right to reduce or terminate contracts if future funding is insufficient.



5. Application Requirements

A complete application for this NOFA is comprised of six (6) separate tabs. The Application must be complete and prepared in a format consistent with the instructions provided in this NOFA. 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 NOFA 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. **Please note that applications are large and may take time to come through the state email system. Please consider that time when you send.** 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 rental assistance programs. 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 or materials 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 NOFA. Emphasis should be concentrated on conformance to the NOFA instructions, responsiveness to the NOFA requirements, and clarity of content. The Applicant is advised to thoroughly read and follow all instructions contained in this NOFA. HTFC does not require, nor desire, any promotional material that does not specifically address the response requirements of this NOFA.

6.1 TAB 1: Application Cover Letter

The Applicant's Cover Letter must not exceed two (2) pages and should include:

- A. A brief summary of the request and the address of the property.
- 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 rental assistance 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.
- F. A written certification confirming that the project units are able to pass a USDA RD inspection.
- G. Statement should be signed by the Authorized Signatory for the project's developer/owner.

6.2 TAB 2: Applicant Information

The Applicant must submit a fully complete Cover Sheet using the form attached (Appendix I) and submit a fully complete Statement of Ongoing Work (Appendix II). Appendix II should indicate all current and planned work in the next year, **including anticipated capital improvements as well as**



any scheduled, minor repairs that will alter the building structure, individual apartment units, or the site.

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. Attach resumes for the parties in Tab 6.

- a. Number of properties currently owned.
- b. Of those, number of properties with 515 financing, 521 rental assistance and/or RRAP.
- c. A map identifying the proposed project location with site or parcel boundaries identified and nearest cross streets included.
- d. Number of years involved in management of properties with RRAP.
- e. List any monitoring findings, either from HUD, the USDA or HCR on this or any other properties owned or managed in the past 5 years including any 8823s issued against any property owned or operated by owner, property management, or partners of the project. Information provided will be verified.
- f. Are any of these findings currently unresolved? If so, please explain.
- g. Has this or any other property owned or managed ever had a Section 8, state RRAP or RD 515 or 521 contract revoked or cancelled? If so, please explain. For O/As managing federal Low Income Housing Tax Credit properties, please report any instance where your property was issued an 8823 Form from a Housing Credit Agency. Any and all 8823s received by this or any other property managed or owned by the owner, property manager, or agent must be reported here. Applicant must include detailed information on the cause of the 8823, the date received, if the 8823 is resolved or not, and what the current status of the 8823 is. If the detail requires more space than Tab 3 allows, information may be placed in Tab 6 but Tab 3 MUST reference the page number and tab information.
- h. 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), the Attorney General 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 number of buildings, number of units in each building, stories, unit sizes, etc.
- b. For properties that anticipate new construction or rehabilitation within the next two years, provide a timeline for when work will take place.
- 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 to document 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 currently required to remain affordable.
- c. The current date that RD 515 mortgage is set to expire.
- d. For properties with an expiration date within the next five years, please state whether your intention is to: 1. Refinance with the USDA through either 515 or another program (if possible); 2. Leave the 515 program and seek other affordable financing to preserve affordability (if so what sources will you pursue?); 3. Participate in the USDA's pilot program to [decouple](#) the 515 mortgage from 521 Rental Assistance, if the pilot remains authorized by Congress in future years; 4. Convert the property to market rate apartments; 5. Other (Please explain).
- e. Do you intend to pursue funding through the New York State Rural Preservation program? If so, when and for what? **(Details for this program are coming soon and will be posted).**
- f. 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. Describe the number of units, type of subsidy, and length of contract for any existing contracts for rental assistance at this project. Please attach current contracts providing project-based rental assistance of any type in Tab 6.

Market Conditions

- a. Describe market conditions at the property including:
 - The utilities and streets available to service the site.
 - The types and affordability of local housing opportunities in the area/region.
 - Demographic information in the community including poverty level.
 - The available social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services in the area/region.
 - The availability and cost via public transportation or private automobile from the neighborhood to places of employment or services.
 - The annual vacancy rate for each year from 2020 to 2024.
 - The number of applicants on the current waiting list.
 - How many months applicants wait on average to be selected from the waiting list.
- b. 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, provide detailed information on applicant selection process for this property.



- c. Explain why the addition of RRAP 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. Explain why RRAP rental assistance in the units requested 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.
- g. What was the date of the most recent Market Study for this property and what conclusions did that study make regarding market share for this property (include relevant sections in Tab 6).

Readiness

- a. Provide dates of last income certification for tenants or any documentation of current tenant income for any occupied units for which RRAP is requested.
- b. Describe 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, as well as any Federal or State monitoring visit or inspection. List any violations received by the property in the past 12 months along with a current status of the violation. **Failure to disclose any current code violations or known deficiencies that would result in a failed inspection may result in a disqualification of your award.**
- c. Provide a plan for how and when, if selected, you will inform, educate, and prepare existing tenants to be screened for eligibility and prepare the property for passing inspection. Provide a timeline for the desired execution of a contract or contract amendment.

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. **Please specify units to which these agreements apply within the building and which, if any, will have RRAP placed on them if awarded.**
- b. Property ownership or management participation by a local, not for profit community-based organization, including sponsorship of the project.

6.4 TAB 4: Operating Assessment

All Applicants should provide a one-page (1) 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 attachment:

Existing Property Underwriting Application – **This form is posted on the website.** It 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 RRAP. The Debt Coverage Ratio and Cash Flow Percentage should be within listed standards. Please provide explanation for any variance from audit or stated standards, including annual increases, in the Notes column.

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 III. 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. In addition, please provide the following:

6.6.1 Site Control

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

6.6.2 Insurance

Attach evidence that the property is properly insured per its current 515 regulatory agreement.

6.6.3 Financial Capacity

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

6.6.4 Statement of Ongoing Work

Please complete and attach the form in Appendix II.

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 NOFA. 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 the Applicant. Such adverse findings may include but are not limited to the compliance issues listed in Section 4.4.6.

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

Applications will be evaluated on a rolling basis during the application period. Applicants shall be awarded in the following order:

1. Eligible applications not subject to a finding of non-responsibility that receive a score of **90 or better** will be funded on a first-come first serve basis until the end of the application period or until all funds are obligated – **WHICEVER COMES FIRST**.
2. Applications scoring less than 90 will be held until the application window is closed. They will then be ranked and awarded based on the remaining funds available, if any. Eligible, responsible applications with a score of **75 or above** for which there is not sufficient funding shall be deferred for a potential future award if funding becomes available.
3. Applications scoring **less than 75** shall be denied and will need to resubmit in any future round.

Placement on the waiting list does not guarantee a future award; HTFC may cancel the waiting list at its discretion at any time. **Applicants are strongly encouraged NOT to wait until the application deadline to apply as available funding might be exhausted by that time.**

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 NOFA. Late applications (applications submitted after the deadline or after the application window has been closed) will be rejected. Applications determined to be substantially incomplete will be rejected. For applications submitted on time but determined to have minor deficiencies, applicants will be given one opportunity to submit the items missing within 3 business days. If the applicant fails to submit the missing items, that application will be rejected.

Rejected applicants may resubmit their proposal only one additional time prior to the application deadline if available funds remains. If an application is determined substantially incomplete twice, then the applicant may not seek RRAP funding for that property again during this round.

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 NOFA 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, local market dynamics, 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 and can demonstrate specifically how the assistance requested will allow the property to better serve a lower-income population that is currently unserved or underserved.
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.
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. Financial Feasibility – The property demonstrates that the operating economics of the property are within prescribed standards.
7. 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.

HTFC reserves the right to reject any application in response to this NOFA, 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. The property and owner's compliance status with the USDA.
3. Review of fair housing complaints or other HUD, the USDA, state, or local findings.
4. Background check/due diligence regarding the property, ownership, and principals.
5. FEMA defined floodway and any ongoing work including maintenance.
6. Future construction or rehabilitation anticipated on the property.
7. 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 rental assistance, 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 NOFA. 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 and Tenant Eligibility



The Applicant will certify at the time of application that all units, both existing and applied for, meet the USDA RD 515 Program requirements. 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. HTFC may also withdraw or reduce an award if one or more units awarded are occupied by a tenant who is ineligible for assistance.

7.4.2 Environmental Review

All awards will be subject to SEQRA regulations at 6 NYCRR 617. Ongoing 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 fees and at least a 90-day review time should be anticipated. **All on-going new construction or rehabilitation work must stop once the RRAP application is made, until the environmental review is complete, or the RRAP may no longer be available to the project.**

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.

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Applicant checklist

Proposal Section	
Tab 1 Cover Letter	
Tab 2 Proposer Info (Required Cover Sheet)	
Tab 3 Narrative	
<u>Tab 4 Operating Assessment:</u>	
Summary (1)	
Underwriting Application	
<u>Tab 5</u>	
Vendor Responsibility Questionnaire	
Affidavit of Understanding	
Certificate of Compliance	
<u>Tab 6</u>	
Site control	
Insurance	
Financial Statements	
Statement of Ongoing Work	
Other Disclosures	
Resumes	
Service Plan (if applicable)	
Any other contract pertaining to rental assistance permanently part of the project	

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