



NEW YORK STATE

Homes &
Community
Renewal

Housing Trust Fund Corporation
Office of Community Renewal

**NYS HOME Local Program
Federal Fiscal Year 2014 and 2015
Local Program Administrator (LPA) Funding
Request for Proposals**

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I. INTRODUCTION.....	- 2 -
II. PROGRAMMATIC REQUIREMENTS	- 7 -
A. National Environmental Policy Act.....	- 7 -
B. Lead Based Paint	- 7 -
C. Davis Bacon Related Acts.....	- 8 -
D. Section 3 Requirements	- 9 -
E. Property Standards and HTFC Rehabilitation Standards	- 9 -
F. Accessibility: Reasonable Accommodations and Modifications	- 10 -
G. Equal Employment Opportunity (EEO) and Minority and Women Owned Business (MWBE) Participation	- 10 -
H. Non-Discrimination	- 10 -
I. Uniform Relocation Assistance	- 11 -
J. Insurance Requirements	- 11 -
K. Smart Growth	- 12 -
L. HOME Maximum Purchase Price, After Rehab Value, Maximum Property Value Limits	- 12 -
III. ELIGIBLE FUNDING CATEGORIES.....	- 12 -
IV. EVALUATION AND SELECTION	- 15 -
A. General Goals and Objectives	- 15 -
B. Application Processing Steps	- 16 -
V. HOME RATING CRITERIA.....	- 21 -
A. Homeowner Rehab and Rental Rehab/Homeowner Applications	- 21 -
B. Manufactured HOME Replacement/Homeowner Rehab Applications	- 23 -
C. Homebuyer Applications	- 26 -
D. CHDO Applications	- 28 -
E. TBRA Applications	- 30 -

I. INTRODUCTION

In accordance with New York State's 2011-2015 Consolidated Plan and its 2014 and 15 Annual Action Plans, the Housing Trust Fund Corporation (HTFC) through the Office of Community Renewal (OCR), invites eligible applicants to submit applications in this Request for Proposal (RFP) for federal fiscal year 2014 and 2015 NYS HOME Local Program funds, allocated to New York State by HUD.

This RFP describes the requirements to apply for NYS HOME Local Program funds and explains the process by which the HTFC and the OCR will evaluate applications. LPA's apply for NYS HOME Local Program funds using HCR's Community Development On-Line System (CDOL), which is accessible online at <http://www.nyshcr.org/Apps/CDOnline/>.

A. Eligible Applicants

Eligible Local Program Administrators (LPA's) are defined as:

- i. Units of local government to include counties, cities, towns and villages that are not federal HOME Program Participating Jurisdiction (contracted with the HTFC as State recipients).
- ii. Non-profit corporations incorporated under State Non-Profit Corporation Law and Housing Authorities (contracted with the HTFC as Sub-recipients).
- iii. Community Housing Development Organizations (CHDO's, contracted with the HTFC as CHDO's).
- iv. To be eligible to apply, LPA's must have been in existence and providing recent and relevant residential housing services to the community for at least one year prior to application
- v. LPA's must be able to demonstrate local market need for the program in the proposed service area and the capacity to utilize the amount of funding requested within the two year contract term
- vi. All contracts will be limited to a 2-year term. LPA's should request only the amount of funding that can be expended within the 2-year time frame.
- vii. The Federal regulations set forth at 24 CFR Part 92 are the governing regulations of the NYS HOME Local Program.

B. Applicant Capacity and Prior Experience

- i. Applicants for NYS HOME Local Program funds, as with all competitive OCR Program funds, are subject to an evaluation of prior program funding history, prior program administration performance and organizational capacity. The contract term is 2 years.

Interested parties are discouraged from applying for NYS HOME Local Program funds if:

- a. The program activities cannot be completed within the 2 year term
- b. The amount of funding requested cannot be expended within the 2 year term.

Please Note:

NYS HOME Local Program funds that are not expended at the end of the contract term are subject to de-obligation and/or recapture. Funds will be re-allocated according to the State's Action Plan for future HOME eligible activities. HOME Program federal regulations have shortened the time-frame for program/project completion. Contract extensions will be limited and/or not approved, are subject to regulatory limits, and are not a guarantee for any program or program administrator.

- i. Furthermore, applicants to the OCR must resolve **any and all** outstanding monitoring and/or non-compliance issues that involve a violation of Federal, State or local regulations, and/or program and OCR requirements **prior to the submission of an application for funding**. Applicants that do not resolve monitoring and/or non-compliance issues will be deemed ineligible and the application will not be accepted or reviewed. The OCR will provide, upon request, status information related to the above items for any potential applicants.
- ii. Prior to submitting an application for funding, applicants for this round of HOME Local Program funding should evaluate the progress of their open grant portfolio to determine if additional funds are warranted at this time. For each open grant, applicants should evaluate the progress of their program(s) in terms of achieving the accomplishments set forth in the OCR-approved application and their HTFC contract. Factors such as the rate of expenditure during the term of the HTFC contract, the number of program agreement extensions requested and approved, and compliance with all HTFC contract terms will be used to determine satisfactory performance in review by the OCR of all applications.
- iii. Applicants may be negatively impacted by unsatisfactory performance or may be determined to be ineligible for a grant when prior performance evidences significant lack of capacity to carry out the proposed project or program as required and according to the applicable laws, regulations, policies and procedures governing the program.
- iv. The HTFC and the OCR reserve the right not to fund any application if it has been determined that the applicant is not in compliance with existing State contracts and has not taken satisfactory steps to remedy such non-compliance.

C. Technical Assistance

- i. LPA's may request technical assistance from the OCR during the application process. LPA's must review the RFP instructions prior to beginning the application process. The instructions provide detailed guidance for completing the application as well as troubleshooting issues with the CDOL system. If needed, LPA's are encouraged to request technical assistance from OCR staff. Questions regarding this RFP may be directed via email to OCRinfo@nyshcr.org.
- ii. At the completion of this funding round, LPA's not receiving an award may participate in an exit conference to review general reasons as to why applications were not funded.

D. Regulatory Requirements

- i. Applicants should anticipate that certain regulatory requirements and administrative guidance will change or be clarified during the anticipated term of awards under this RFP such as the following:
- ii. **2013 HOME Final Rule:** On July 24, 2013, HUD published extensive changes to the HOME Final Rule. The regulatory changes generally became effective on August 23, 2013 and apply to specific HOME projects to which funds were committed on or after that date. However, certain provisions of the 2013 HOME Final Rule were given delayed effect. HUD has deferred the implementation of new property standard requirements. These new requirements are applicable to any project with a commitment after the effective date of the new requirements as may be announced by HUD.

E. FUNDING LIMITS

- i. The HTFC will make approximately \$16.5 million in federal fiscal year 2014 and 2015 NYS HOME Local Program funds available for application by LPA's in this RFP.
 - a. **Non-CHDO Activities:** the minimum award amount is \$150,000. The maximum award amount is \$400,000. The cap is \$40,000 per unit.
 - b. **CHDO Activities:** the minimum award amount is \$300,000. The maximum award amount is \$750,000. The cap is \$60,000 per unit.
- ii. LPA's may submit more than one application in response to this NOFA, however the combination of the total amount requested may not exceed the maximum allowable Non-CHDO and CHDO individual award amounts of \$400,000 and \$750,000 respectively.

F. Administrative & LPA Staff Costs of Project Delivery Funds and CHDO Developer Fees:

- i. **Non-CHDO's:** LPA's will be able to access up to 18% of the total award to administer the program: 5% of the total award can be used for administrative purposes and up to 13% of the total award can be used for LPA staff costs of project delivery. Consultants hired to administer the program on behalf of an LPA may only be paid from administrative funds.
- ii. **CHDO's:** CHDO's will be able to access up to 18% of the total award as a project developer fee upon the sale of the CHDO owned and developed existing or newly constructed housing to a HOME eligible buyer.

G. Application Deadlines

- i. The NYS HOME Local Program application for funds available through this NOFA and corresponding RFP will be available on the NYS Homes and Community Renewal website, www.nyshcr.org/Funding/, **on Friday, August 21, 2015. Applications are due no later than 4:00 PM (EST) on Friday, October 16th, 2015.** Applications must be submitted using the Community Development Online Application System (CDOL) at: <http://www.nyshcr.org/Apps/CDOnline/>.
- ii. The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of their applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems. Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be received by the OCR no later than Tuesday, September 4, 2015, at the following address: NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 4th Floor South, 38-40 State Street, Albany, NY 12207, ATTN: FFY 2014-15 NYS HOME Local Program.
- iii. For those applicants with prior approval to submit a paper application, applications will be accepted only at the address stated above. Paper applications received or postmarked after 4:00 PM, EST, Tuesday, October 20, 2015 will be considered late and will not be accepted or reviewed. Use of delivery confirmation services is required by those pre-approved to submit paper applications to ensure an on time and traceable delivery.

H. New York State Grants Gateway Prequalification

- i. The New York State Grants Gateway (“Grants Gateway”) is a statewide effort that will improve the way New York State administers grants by simplifying and streamlining the grants management process.
- ii. Effective August 1, 2013, not-for-profit organizations must be prequalified in order to do business with New York State. In order to prequalify, not-for-profit organizations must submit an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge your organizational structure and the types of services you provide. The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>.
- iii. Prequalification is designed as a way for not-for-profits to interact more directly with State agencies before they compete for State contracts, enabling them to make adjustments and answer concerns prior to entering a competitive bid process. Once they have been prequalified, multiple State agencies will have ready access to the prequalification materials, eliminating redundant submissions of such information by the vendor. Not-for-profits will only have to formally prequalify every 3 years, with the responsibility to keep their information current throughout the 3 year period.
 - **Please note:** Applicants that are **not** prequalified through the New York State Grants Gateway by the NYS HOME Local Program application deadline of 4:00pm (EST), Tuesday, October 20, 2015, will **not be eligible to receive NYS HOME Local program funds**, and any applications submitted to the OCR will be deemed ineligible for review and consideration.

I. Other Application Reference Materials

- i. This RFP provides only a portion of the information and materials needed by applicants. Other materials are available from the HCR website, <http://www.nyshcr.org/Funding/> and may include the following:
 - 2014-2015 HOME LOCAL Program CDOL Application Instructions
 - Housing Trust Fund Corporation Housing Rehabilitation Standards (rev. June 2006).
 - 2015 NYS HOME Local Program Reference Manual
 - And other related documents, as posted on the NYS HOME program website.

- ii. The HTFC reserves the right to award all, a portion of, or none of an applicant's requested funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, and an applicant's ability to advance the State's housing goals. The HTFC also reserves the right to change or disallow aspects of the applications received and may make such modifications an expressed condition of its commitment to provide funding to a program.

II. PROGRAMMATIC REQUIREMENTS

Numerous Federal, State, and local regulations govern the NYS HOME Local Program. It is the responsibility of the **applicant** to ensure compliance with all applicable regulations and statutes. The following is a listing, not all inclusive, of applicable regulations that apply to the NYS HOME Local Program. Applicants receiving awards will be expected to be familiar with and understand these governing regulations, and will be periodically monitored throughout the administration of an awarded program to ensure continual compliance with these and other rules and regulations.

A. National Environmental Policy Act

- i. NYS HOME Local program assisted activities are subject to the provisions of the National Environmental Policy Act (NEPA). For the HOME program, NEPA is applied in two stages. First, successful applicants are required to undergo a programmatic environmental review which must be approved by the HTFC **prior** to the execution of the contract with the HTFC.
- ii. Secondly, successful applicants that are not-for-profit organizations **cannot** commence acquisition, construction or rehabilitation of potential projects until the HTFC has approved the site-specific environmental review for each project.
- iii. Successful applicants that are units of local government must certify to the OCR that they have conducted and approved the site-specific environmental review for each project at the time of set up. Under no circumstances will the HTFC approve the release of funds for a project or activity where an approved environmental review was not conducted in advance, and in accordance with all applicable rules and regulations. (More info: <https://www.onecpd.info/resources/documents/HOME-EnvironmentalReview.pdf>).

B. Lead Based Paint

- i. The Residential Lead-Based Paint Hazard Reduction Act of 1992 amended the Lead-Based Paint Poisoning Act of 1971, which established the Federal lead-based paint requirements. In 1999, HUD issued a lead-based paint regulation, 24 CFR Part 35, in response to the regulations effective September 15, 2000. The lead-based paint

regulation defines work practices that must be followed when dealing with lead-based paint in older structures and expands requirements to protect occupants and workers from lead-based paint hazards until lead hazard reduction work is completed.

- ii. Lead hazard evaluation and reduction activities for rehabilitation projects are determined by the level of federal assistance received by the project and the per unit evaluation of hard costs. Interim controls are required for projects assisted with less than \$25,000 in Federal Funds. Projects assisted in excess of \$25,000 in Federal funds are subject to the completion of Part 3 of 24 CFR Part 35 Applicability Worksheet.
- iii. Applicants must comply with the lead-based paint requirements implemented at 24 CFR Part 35 if proposing activities involving residential properties purchased or rehabilitated in whole or part with HOME funds, excluding:
 - a. Housing constructed on or after 1978.
 - b. Housing reserved for the elderly or persons with disabilities through a deed restriction, unless a child under 6 resides or is expected to reside in the housing.
 - c. Dwellings without bedrooms, i.e., efficiencies and military barracks.
 - d. Foreclosure sales.
 - e. Short-term leases of 100 days.
 - f. Renewal of leases where all information has been disclosed previously and where lessor has acquired no new information ("renewal" is defined under the regulations to "include both re-negotiation of existing lease terms and/or ratification of a new lease").
 - g. Housing which has been inspected and certified to be free of lead-based paint by a certified inspector.
- iv. Under no circumstances will the HTFC approve the release of funds for a project or activity where lead safe practices, where required, were not conducted in accordance with all applicable rules and regulations. (More information: <http://www.hud.gov/offices/cpd/library/monitoring/handbook.cfm#24>).

C. Davis Bacon Related Acts

- i. Applicants preparing to undertake construction or rehabilitation activities on 12 or more units within the same construction contract must comply with the Federal Labor Standards requirements (Davis Bacon Related Acts) as outlined in 40 USC

276. This regulation requires that workers receive no less than the prevailing wages being paid for similar work in their locality.

(More information: https://www.onecpd.info/resources/documents/Davis-BaconandHOME_TrainingManual.pdf).

D. Section 3 Requirements

- i. All awards made under the HOME Program are subject to the requirements of Section 3 of the Housing Act of 1937, which specifies that to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, job training, employment, contracting and other economic opportunities be made available to low- and very low-income persons and locally owned enterprises within the proposed service area. Recipients of HOME program funds in excess of \$200,000 must comply with the provisions set forth at 24 CFR Part 135. In addition, if an LPA enters into a rehabilitation or construction contract in excess of \$100,000, the contractor and its subcontractor are also subject to the provisions. Recipient agencies will be required to report Section 3 activity annually to HUD and HCR. LPA's will be required to report Section 3 activity annually to HUD and HCR/HTFC. (More information: <http://www.hud.gov/offices/fheo> OR <http://www.nyshcr.org/Forms/FairHousing/>).
- ii. New Section 3 requirements and guidance for LPA's is being developed by HCR. These new requirements may be applicable to any project with a commitment after the effective date of the new requirements as may be announced by HCR.

E. Property Standards and HTFC Rehabilitation Standards

- i. Applicants requesting funds for the rehabilitation of vacant, partially or fully occupied residential properties must demonstrate that the proposed work will have the effect of correcting health and safety issues and NYS and/or Local Code violations. All HOME-assisted properties (with the exception of Tenant based Rental assistance) must meet HTFC housing rehabilitation standards and NYS and/or Local code upon completion. (More information: http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2009/Rehab_Standards_HOME.htm)
- ii. **NOTE:** Under the 2013 HOME Final Rule, Uniform Physical Conditions Standards (UPCS) Property Standards apply for HOME funded housing rehabilitation; however, HUD has deferred the implementation of new property standard requirements. These new requirements are applicable to any project with a commitment after the effective date of the new requirements as may be announced by HUD.

F. Accessibility: Reasonable Accommodations and Modifications

- i. The LPA must work with any household with accessibility needs to address those needs as part of the scope of work and must be in compliance with the Fair Housing Act, Section 504, as applicable. Accommodations and modifications to address accessibility needs can and should be paid with HOME funds. Exceptions to per-unit assistance limits due to such modifications will be considered.

G. Equal Employment Opportunity (EEO) and Minority and Women Owned Business (MWBE) Participation

- i. LPAs are subject to the EEO requirements related to nondiscrimination and equal access. The LPA shall comply with the following, as applicable. Executive Orders 11246, 11625, 12432, and 12168 as amended require States receiving HOME funds to establish procedures for compliance with EEO and MWBE outreach. To comply with these Executive Orders, NYS HCR and the HTFC have elected to follow the State requirements under Article 15A of New York State Executive Law. This requires that all contractors and awardees make affirmative efforts to ensure that New York State Certified MWBE's are afforded opportunities for meaningful participation in projects funded by the HTFC pursuant to Section 313 of the Article. (More info: <http://www.nyshcr.org/AboutUs/MWBECorner.htm>).
- ii. For federal HOME Program reporting purposes, LPA's are also asked to report on all non-State certified MWBE's (that meet the federal definition of business enterprises that are 51% minority or women owned) that have been hired to provide services for the NYS HOME Local Program contract.

H. Non-Discrimination

- i. No person in the United States shall, on the grounds of race, color, national origin, religion, or sex be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part by NYS HOME Local Program funds. LPAs are subject to all federal and State fair housing and equal opportunity laws and orders, as referenced in 24 CFR Parts 92.350 and 92.351 to include: Title V of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), The Fair Housing Act (42 U.S.C. 3601-3620.), Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259), Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107). (More information: [http://www.nyshcr.org/AboutUs/Offices/FairHousing/.](http://www.nyshcr.org/AboutUs/Offices/FairHousing/))

I. Uniform Relocation Assistance

- i. The HOME Program is subject to an overall policy of minimizing displacement, and is subject to the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.
- ii. The HTFC HOME & CDBG Residential Anti-displacement & Relocation Assistance Plan, available on the HCR website, establishes the policy to minimize displacement as a result of an investment by the federal HOME and CDBG programs. LPAs awarded NYS HOME Local program funds must provide reasonable benefits and relocation assistance to any person involuntarily and permanently displaced as a result of the use of NYS HOME Local Program funds. Applicants must further document that any purchase of property meets the requirements of the URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. (More information: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation)

J. Insurance Requirements

- i. As a condition of the award of NYS HOME Local program funds, LPAs are required to obtain and maintain proper insurance and fidelity bonds. During the term of the contract, the LPA shall take all adequate measures to safeguard against the risk of liability for injuries or death of employees of the LPA, contractors and subcontractors, and any other persons.
- ii. The LPA shall provide HCR/HTFC with a certificate for comprehensive general liability coverage in a minimum amount of one million dollars (\$1,000,000) naming the HTFC and the State of New York as additional insured and fidelity bond/crime coverage in an amount not less than the largest anticipated disbursement request for program funds naming the HTFC as loss payee, together with certificates for automobile insurance (if applicable), fire insurance, workers' compensation and disability benefits. The LPA must also extend these insurance requirements to contractors hired under the contract.
- iii. All insurance certificates shall be with a New York State licensed carrier of insurance rated "A" or higher. At a minimum, copies of the following must be provided to the HTFC prior to the execution of any contracts:

- a. A Certificate of General Liability Insurance

- b. Workers' Compensation and Disability Insurance
 - c. Fire and Casualty Insurance
 - d. A Fidelity Bond in the amount of the largest anticipated disbursement
- iv. The Housing Trust Fund Corporation (HTFC) **must** be named as loss payee in accordance with the program agreement requirements.

K. Smart Growth

- i. Please note that the Housing Trust Fund Corporation is subject to the New York State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent applicable, make funding decisions consistent with the provisions of the Act.

L. HOME Maximum Purchase Price, After Rehab Value, Maximum Property Value Limits

- i. The estimated value of the property after rehab cannot exceed the HOME Maximum Purchase Price/after Rehab Value limit as published annually by HUD for the local jurisdiction at the time of commitment, available at: <https://www.hudexchange.info/resource/2312/home-maximum-purchase-price-after-rehab-value/>.
- ii. Maximum Property Value: The LPA shall comply with 24 CFR 92.254; qualification as affordable housing and will use the HUD determined limits for existing single-family housing units.
- iii. The LPA will ensure that the value of the unit after housing rehabilitation does not exceed 95% of the median purchase price for the service area, as determined by the annually published HUD limits.

III. ELIGIBLE FUNDING CATEGORIES

Applications will be accepted for residential housing activities in the following categories: **Homeowner Rehab, Homebuyer, Homeowner/Homebuyer Rental Rehab and Tenant based Rental Assistance (TBRA):**

A. Homeowner Rehab Activities

- i. **Homeowner Rehab** -Funds may be requested to provide housing rehabilitation of single family (1-4) unit, owner occupied homes. Housing rehabilitation must be performed according to HTFC housing rehabilitation standards and the unit must meet NYS and/or Local Code upon completion. LPAs may not undertake some

stand-alone forms of special purpose homeowner repair programs, such as weatherization, energy efficiency, emergency repair or handicapped accessibility programs, however, these types of activities may be undertaken with HOME funds as part of a comprehensive housing rehabilitation project, provided the unit will meet NYS and/or Local Code upon completion.

- ii. **Manufactured Home Replacement/Homeowner Rehab-** Funds may be requested to provide an existing homeowner of a sub-standard manufactured (mobile) home to be replaced with a new manufactured home. Replaced units must meet NYS and/or Local Code upon completion and be installed according to the Manufactured Home Construction and Safety Standards at 24 CFR Part 3280, HOME Permanent Foundation Requirements at 92.251(e) and HTFC design standards upon completion. Rehabilitation of a manufactured home unit is not an eligible activity. Due to the federal HOME regulation requiring a permanent foundation and the increased cost, HCR/HTFC is interested in applications that propose “manufactured to modular” replacement, as cost may be similar to deliver a more sustainable housing option.

B. Homebuyer Activities

- i. **Non-CHDO Homebuyer Acquisition of Existing -** Funds may be requested to assist a homebuyer to provide down payment and/or closing cost assistance to purchase a single family (1-4) unit, non-HOME assisted existing home or newly constructed home. The home must meet NYS and/or Local Code at purchase.
- ii. **Non-CHDO Homebuyer Acquisition of Existing-** Funds may be requested to assist a homebuyer to provide down payment and/or closing cost assistance and funds for housing rehabilitation to purchase a single family (1-4) unit, non-HOME assisted existing home. Housing rehabilitation work must be performed according to HTFC’s housing rehabilitation standards and the unit must meet NYS and/or Local Code upon completion. Housing rehabilitation activities must be complete within 6 months from the date of purchase. The homebuyer may not reside in the property unless all health and safety issues have been repaired.
- iii. **Manufactured Home Purchase/Homebuyer-** Funds may be requested to provide a homebuyer making less than 50% of area median income the opportunity to purchase a newly constructed manufactured home. The homebuyer must have ownership of the land prior to purchase or will become the owner of the land at purchase. Manufactured units must meet NYS and/or Local Code upon completion and be installed according to the Manufactured Home Construction and Safety Standards at 24 CFR Part 3280, HOME Permanent Foundation Requirements at 92.251(e) and HTFC design standards upon completion. For this activity, LPA’s may select a preference to assist veterans and/or other low income special populations.

C. CHDO Development/Homebuyer Acquisition of Existing & CHDO Development/Homebuyer New Construction

- i. Funds may be requested to assist a CHDO to acquire an existing vacant, substandard home that will be rehabilitated and then sold to a HOME eligible buyer or to build a new construction home that will be sold to a HOME eligible buyer. Homes must meet NYS and/or Local Code upon completion. Funds are treated as a development subsidy. CHDO's must be the owner and developer of the housing during the construction period, must arrange for all project financing and be in sole charge of the construction.
- ii. The project must include sources of construction financing other than HOME Program funds. CHDO projects have additional program and project underwriting requirements. CHDO applicants are required to submit a "CHDO Feasibility Review." NYS HOME Local program funds may be used only as permanent financing. Applicants must be certified as a CHDO prior to the award of funds. As required by the 2013 HOME Final Rule, non-project specific CHDO reservation of funds is no longer available.
- iii. Approval for funding is on a project specific basis. The HTFC is required to underwrite CHDO projects by assessing the capacity and fiscal soundness of the CHDO developer by ensuring that market conditions indicate an adequate need for the HOME project; that firm financial commitments for other project funding are in place and must certify that the CHDO has staff with demonstrated development experience and capacity to complete the project. Staff does not include volunteers, board members or consultants.
- iv. Sale deadline: Homebuyer projects must be sold within 9 months of construction completion or the unit must be converted to a HOME eligible rental unit. If the unit is not or cannot be converted to a HOME eligible rental, then the CHDO must repay all HOME funds disbursed for the unit to the HTFC.
- v. Sale price: the OCR must approve the proposed sales price of CHDO developed homebuyer projects and will include either the specific sales price or a methodology for establishing the sales price in its written contract with the CHDO. Please note that technical assistance is available for CHDOs.

C. Homeowner and Homebuyer Rental Rehab

- i. **Rental Rehab/Homeowner (1-4 unit)** funds may be requested to provide housing rehabilitation of the homeowner unit and HOME eligible rental units in a single family (1-4 unit) property. This is considered a Homeowner Rehab activity with rental unit rehab.
- ii. **Rental Rehab/Homebuyer (1-4 unit)** funds may be requested to assist a HOME

eligible buyer to purchase and rehabilitate an existing single family (1-4) unit property in which the homebuyer will occupy one unit as principal resident and then agrees to rent out the other units as HOME eligible rental units. For a homebuyer property, the HTFC prefers the households assisted to receive some form of landlord and HOME Program rental requirements training prior to renting HOME eligible units. This is considered a Homebuyer Assistance activity with rental unit rehab.

- iii. HCR/HTFC prefers a “whole house” approach to housing rehabilitation when assisting a homeowner or homebuyer. If rental units are or will be HOME eligible, then all units and common areas must be rehabilitated to meet NYS and/or Local Code upon completion.

D. Tenant-Based Rental Assistance (TBRA)

- i. Funds may be requested to provide monthly tenant-based rental assistance (TBRA) to assist families at or below 60% of area median income, who are on the Section 8 Housing Choice Voucher waiting list for monthly rental subsidy. Security deposits and tenant utility deposits may also be eligible. TBRA programs must include a certification that TBRA assistance meets a need described in the Consolidated Plan in the service area and a description of the local market conditions that justifies the need for TBRA and the method of selection and coordination with the local Public Housing Authority.

IV. EVALUATION AND SELECTION

A. General Goals and Objectives

- i. **Evaluate**

The OCR will evaluate the investment of the resources made available through this RFP using the following three criteria: fundamentals, leverage, and outcomes. This framework accommodates all scoring criteria currently utilized by the OCR. These decisions will also be made in the context of a competitive process. To the extent feasible, the OCR will allocate its resources to meet housing needs and achieve a geographic distribution of funding across the State, while promoting community development policies that emphasize the needs of underserved communities and which advance smart growth principals and healthy living environments.

- ii. **Fundamentals**

The following fundamentals are considered the basic components of any investment – feasibility, team experience, and program structure. Under this RFP, the OCR will also consider certain threshold requirements specific to the HOME Program. The OCR will evaluate, among other things, not only whether

the investment is feasible but for our investment; whether all the necessary components are identified and committed and whether the applicant has the proven experience and team members to successfully complete the investment.

iii. **Leverage**

The OCR will consider whether the proposed investment leverages significant outside resources such as third party funds, local funds and/or local support. Preference will be given to those applicants that demonstrate a commitment of leveraged and committed funds at the time of application.

iv. **Outcomes**

The outcomes proposed in an application will be considered policy goals achieved by a particular investment. The OCR will evaluate whether the application proposes a quality program that efficiently responds to the needs of the community by producing a transformative effect or sustains a more livable community.

B. Application Processing Steps

- i. **Application Receipt** - Once the application are submitted through CDOL, or pre-approved paper applications are received, an identification number is assigned and the application is made available for review by the appropriate OCR program staff.
- ii. **Threshold Eligibility Review** - Applications are reviewed according to threshold statutory eligibility criteria summarized below. **Applications that fail to meet all of the statutory criteria will not be reviewed further and will be deemed ineligible:**
 - a. Will the program assist only residential properties that will be owner-occupied and/or renter-occupied at project completion?
 - b. Has the application demonstrated a local market need for the residential housing activity being proposed?
 - c. Is the applicant applying for one of the listed eligible activities in this RFP?
 - d. Do the activities proposed benefit households at or below 80% of area median income?
 - e. If rental housing, are at least 90% of the rental units to be assisted serving households making less than 60% of area median income?
 - f. Does the applicant have outstanding past performance, compliance, monitoring and/or audit issues with the OCR?

- iii. **Rating and Ranking** - Each application is scored on criteria derived from the statutory, regulatory and policy considerations of the HOME Program. Application ratings are based only on the application materials received by the submission deadlines.
- iv. **CHDO Feasibility Review** - feasibility and underwriting review is required for all CHDO applicants. CHDO's must respond to specific underwriting and program/project feasibility questions in the "CHDO Feasibility Review" posted on the HCR HOME Program website. All CHDO applications for funds must identify an eligible site for the proposed project and provide evidence of site control.

C. Funding Recommendations

- i. New York State distributes HOME Program funds in the following manner:
 - a. Fifteen percent (15%) of each federal annual allocation is reserved for Community Housing Development Organizations (CHDOs).
 - b. Eighty percent (80%) of the remaining funds are reserved for projects located within area not served by another HOME Participating Jurisdiction.
 - c. All remaining funds are distributed on a statewide basis.
- ii. The State anticipates that some HOME funds may be used for eligible activities that are located in HOME participating jurisdictions. Preference will be given to projects in which the participating jurisdiction collaborates directly with a non-profit affordable housing provider to deliver affordable housing units. The State will assist the participating jurisdiction and non-profit to ensure coordination of effort and appropriate subsidy layering. The project must decrease the typical amount of State HOME funds needed to complete the project and increase the amount of funds leveraged by the non- State HOME participating jurisdiction.

D. HTFC Board Approval - Awards must be approved by the HTFC Board of Directors prior to contract execution.

E. Application Outcome E-mail: The e-mail will be sent to the contact as listed in the applications to inform the applicant of the status of its application:

- a. Selected for Funding
- b. Not Selected for Funding
- c. Ineligible for Funding

F. Contract: HOME applicants selected for funding may be asked to revise parts of their proposal prior to or in conjunction with the issuance of a contract, however, the HTFC will not execute the contract or process disbursement requests until all required

environmental reviews are completed. Prior to the start of any activity, applicants are reminded that all units must receive site specific (Tier 2) environmental approval. The HTFC expects to enter into a contract within 45 days of the applicant's compliance with submission requirements, including the required programmatic environmental review approvals. Applicants are expected to be ready to fully execute and undertake activities in this timeframe; failure to do so may result in the rescission or termination of an award.

G. Implementation Orientation Meeting - Applicants will be required to participate in an orientation meeting to discuss the overall grant administration and program requirements to ensure the successful implementation and completion. Topics generally include, but are not limited to: financial management, statutory requirements and regulatory compliance.

H. New for this RFP: No Community Needs Statement required, instead, applicants will be required to demonstrate local market need in response to questions as listed in the NYS HOME Local Program Administrative Plans based on the activity proposed in the service area.

I. New For this RFP: Weatherization Assistance

- i. The NYS HOME Local program is partnering with the NYS HCR Weatherization Assistance Program (WAP) to provide weatherization assistance for all Homeowner Rehab (owner-occupied housing rehabilitation) HOME assisted units that are income qualified at 50% or less of Area Median Income (AMI) and are also eligible for WAP (please note that the WAP income eligibility rule is different than the HOME Program rule, the WAP income limits are available in the HOME Reference Guide on the NYS HOME Program website...
- ii. To the extent resources are available, WAP funds and construction services to perform weatherization activities will be made available to Homeowner Rehab assisted units through the HCR WAP provider located in the service area.
- iii. LPA's will partner with the WAP provider to ensure weatherization measures are incorporated into the scope of work for each income qualified Homeowner Rehab assisted unit. LPA's and WAP sub-grantees will need to work together to develop the scope of work prior to the start of construction activities.
- iv. Priority should be given to senior citizens, families with children, and persons with disabilities. If a household contains a member who receives Supplemental Security Income, Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program or Home Energy Assistance Program-benefits, the household

is automatically eligible for WAP. The HCR WAP will also provide the HOME program required energy audit when WAP funds are contributed to the unit.

- v. WAP services are available in each of the State's 62 counties. Every county, village, town, and neighborhood in the state is served by a local WAP Provider.
- vi. The Office of Community Renewal and Office of Housing Preservation staff will assist LPA's to coordinate with providers in the service area to ensure weatherization assistance is available for this initiative.

J. New for this RFP: NYS HOME Local Program Administrative Plans

- i. The federal HOME Program is highly regulated making it difficult to achieve compliance for LPA's. The new Final Rule released in 2013 includes new rules for program administration and a shorter time frame to expend HOME funds. For this reason, The OCR has developed NYS HOME Local Program Administrative Plans (Plans), based on HOME eligible activities, that are in compliance with federal and State HOME regulations and policies. Each plan contains questions that LPA's must answer about "process" in the administration of eligible activities to achieve compliance.
- ii. If awarded NYS HOME Local Program funds, these plans must be followed in the administration of the proposed activity. Applicants no longer have to write an administrative plan, but are required to answer questions, as inserted in the Plans, regarding the administration of the proposed eligible activity.
- iii. Answers to the questions will be a scored factor in this application. Responses to the questions are to be written in the text boxes located within the plans. Responses are limited to the number of characters, as listed in the text box after the question. OCR is looking for concise, short answers. If awarded funds, these Plans and the responses to the questions will become the administrative plan for the awarded program, subject to any required regulatory changes at contract execution.
- iv. The 4 Plans listed below are included in this application. After each Plan name are the eligible activities (as listed in CDOL) that are administered under each Plan.
- v. The LPA must choose one (1) eligible activity, choose the required plan and respond to questions in the Plan. For multiple activity plans, some questions may not correspond to the activity to be administered. For example: LPA's that want to only assist owner occupied, 1 unit, single family homes do not need to respond to the questions about assisting rental units.
- vi. For all Plans, if there are questions that do not pertain to the LPA chosen eligible activity, the LPA is not required to respond to those questions and may write "N/A" in the text box after the question.

a. **Owner-Occupied Housing Rehabilitation Plan:**

Includes Homeowner Rehab and Rental Rehab/Homeowner.

This plan is for LPA's that want to rehab the owner unit in a single family home or for LPA's that want to rehab the owners unit and (for 2-4 unit properties), all HOME eligible rental units. LPA's must answer all questions in the plan pertaining to owner occupied rehab. LPA's that will not assist rental units do not have to respond to questions about rental.

b. **Manufactured Home Replacement as an Owner Occupied Housing Activity:**

Includes Manufactured HOME Replacement/Homeowner Rehab.

This is a single activity plan for manufactured home replacement only for owner occupied units. LPA's assisting owners to replace their sub-standard manufactured (mobile) home must respond to all questions in this plan.

c. **Homebuyer Assistance:**

Includes Non-CHDO Homebuyer Acquisition of Existing, Non-CHDO Homebuyer New Construction, Manufactured Home Purchase/Homebuyer, CHDO Development/Homebuyer Acquisition of Existing, CHDO Development/Homebuyer New Construction, Rental Rehab/Homebuyer (1-4 unit).

This is a multiple activity plan. LPA's assisting with only down payment and closing cost assistance do not have to respond to questions about housing rehabilitation. LPA's assisting with down payment, closing cost and funds for housing rehabilitation must respond to questions about housing rehabilitation. CHDO's must respond to all questions in this Plan and must describe if planning new construction or housing rehabilitation activities in the responses. Only CHDO's must respond to specific questions marked for CHDO's and questions regarding housing development. LPA's wanting to assist homebuyers under 50% of AMI to purchase a new manufactured home will use this Plan, not the Homeowner Rehab/Manufactured Housing Replacement Plan.

d. **Tenant Based Rental Assistance**

Single activity for this plan is Tenant Based Rental Assistance (TBRA). LPA's wanting to administer a TBRA program must answer all questions in this plan.

V. HOME RATING CRITERIA

- Each HOME Program application that is determined to be eligible will be scored on a 100-point scale, based on the criteria listed below.

A. Homeowner Rehab and Rental Rehab/Homeowner Applications

- i. **Average income level served (5 Points)** - Applications are rated on the extent to which they propose deeper income targeting than required by statute. Applicants proposing assistance to households with incomes at the lowest feasible levels will receive the most points, and applicants that do not target below the statutory or programmatic minimum will not receive points in this category.
- ii. **Persons with special needs targeted (5 points)** – Applications are rated on the extent to which the proposed program will assist members of the targeted groups identified in the 2015 NYS HOME Program Reference Manual, compared to other applicants. The manual is available online at <http://www.nyshcr.org/Funding/>. If the program elects to serve a special needs population, the LPA must have an executed provider agreement or Memorandum of Understanding (MOU) with a service provider that directly works with the special need population to be served. The provider agreement/MOU must directly refer applicants to the HOME assisted program. Applicants proposing a high percentage of the overall program assistance for the targeted groups, without evidence of a service contract or written agreement, will receive no points. Applicants not proposing assistance for the targeted groups will not receive points.
- iii. **Percent below federal poverty level in program service area (5 points)** – Programs in areas with the highest percentage of persons below the poverty level compared to service areas of other applications will receive the most points. Programs in areas with the lowest percentage of persons below the poverty level compared to service areas of other applications will receive the least points.
- iv. **Number of persons below federal poverty level in program service area (5 points)** – Programs in areas with the greatest number of persons below the poverty level, compared to service areas of other applications, will receive the most points. Programs in areas with the least number of persons below the poverty level compared to service areas of other applications, will receive the least points.

- v. **Age of Housing (5 Points)** – Need for owner-occupied and owner occupied rental housing rehabilitation programs is evaluated in part based on the age of housing in the service area. Housing rehabilitation programs in areas with the highest percentage of housing units built before 1960, compared to other applications received, will receive the most points. Applications that do not include the source of data will not receive points.
- vi. **Leveraging (20 points)** – Measures the ratio of NYS HOME Local program funds as part of the total project cost. Applicants documenting high percentages of committed matching and leveraged funds will receive the most points. Sources of funds included in the project budget must be supported by formal documentation of commitments in the relevant application attachment to receive points.
- vii. **Administrative Plan Questions: Program Design and Capacity (35 points)** – Answers to the questions, as inserted in the administrative plan based on the activity, will be reviewed to assess the in-house processes for compliance and the readiness and capacity of the applicant. All responses must be answered in the text box provided and are limited to the number of characters listed in the text box. Applicants must carefully review the questions and respond based on the information provided in the applicable administrative plan. Unanswered questions or deficiencies in the response will receive fewer points or no points. Responses that include superfluous data or information not specifically requested may risk a lower rating. Such inclusion often results in a lack of clarity about the program’s overall design.
- viii. **Experience and prior performance (15 Points)** – Applicant experience with the HOME Program and similar housing programs will be evaluated as an indication of the likelihood of successful program completion.
 - a. Applicants who **have** received and administered a NYS HOME Program award during the past 5 years will be evaluated based on timely completion of HOME Program awards, progress of open contracts including commitments and expenditures to date, and compliance documented by monitoring reviews.
 - b. Applications submitted by current awardees with open contracts without substantial expenditures, or prior awardees with non-compliance or monitoring issues will be negatively impacted in the application review.
 - c. Applicants who **have not** administered a NYS HOME Program award during the past 5 years will be evaluated on their past experience administering other similar in size and scope housing rehabilitation programs.

- d. Applicants must present a successful record of administration of comparable programs during the past 5 years, with funding amounts similar to the proposed program to receive the most points.
- ix. **Environmental Health and Safety (5 points)** – Applications that will only assist units and/or areas with identified environmental health and safety issues will receive up to five points. The hazardous conditions that will be considered are:
- a. Lead based paint
 - b. Asbestos
 - c. Moisture-related health problems, such as mold
 - d. Other indoor air quality issues (i.e. carbon monoxide problems related to faulty heating systems)
 - e. Other immediate threat health and safety issues (cited by code for dangerous electrical hazards, lack of potable water, etc.).
- Applicants that propose targeting only housing units that have been identified as unsafe/unhealthy due to the presence of one or more of these identified hazards will also receive the most points. Applicants that propose to use a portion of the award to assist units to remediate these hazards will receive fewer points. No points will be awarded for applications that do not identify specific assistance for these hazards, or an application that exhibit significant deficiencies in this area.

B. Manufactured HOME Replacement/Homeowner Rehab Applications

- i. **Average income level served (5 Points)** - Applications are rated on the extent to which they propose deeper income targeting than required by statute. Applicants proposing assistance to households with incomes at the lowest feasible levels will receive the most points, and applicants that do not target below the statutory or programmatic minimum will not receive points in this category.
- ii. **Persons with special needs targeted (5 points)** – Applications are rated on the extent to which the proposed program will assist members of the targeted groups identified in the 2015 NYS HOME Program Reference Manual, compared to other applicants. The manual is available online at <http://www.nyshcr.org/Funding/>. If the program elects to serve a special needs population, the LPA must have an executed provider agreement or Memorandum of Understanding (MOU) with a service provider that directly works with the special need population to be served. The provider agreement/MOU must directly refer applicants to the HOME assisted program. Applicants proposing a

high percentage of the overall program assistance for the targeted groups, without evidence of a service contract or written agreement, will receive no points. Applicants not proposing assistance for the targeted groups will not receive points.

- iii. **Percent below federal poverty level in program service area (5 points)** – Programs in areas with the highest percentage of persons below the poverty level compared to service areas of other applications will receive the most points. Programs in areas with the lowest percentage of persons below the poverty level compared to service areas of other applications will receive the least points.
 - iv. **Number of persons below federal poverty level in program service area (5 points)** – Programs in areas with the greatest number of persons below the poverty level, compared to service areas of other applications, will receive the most points. Programs in areas with the least number of persons below the poverty level compared to service areas of other applications, will receive the least points.
 - v. **Age of Housing (5 Points)** – Need for manufactured home replacement programs is evaluated in part based on the age of housing in the service area. Manufactured homes in areas with the highest percentage of housing units built before 1960, compared to other applications received, will receive the most points. Applications that do not include the source of data will not receive points.
 - vi. **Leveraging (20 points)** – Measures the ratio of NYS HOME Local program funds as part of the total project cost. Applicants documenting high percentages of committed matching and leveraged funds will receive the most points. Sources of funds included in the project budget must be supported by formal documentation of commitments in the relevant application attachment to receive points.
 - vii. **Administrative Plan Questions: Program Design and Capacity (35 points)** – Answers to the questions, as inserted in the administrative plan based on the activity, will be reviewed to assess the in-house processes for compliance and the readiness and capacity of the applicant. All responses must be answered in the text box provided and are limited to the number of characters listed in the text box.
- Applicants must carefully review the questions and respond based on the information provided in the applicable administrative plan. Unanswered questions or deficiencies in the response will receive fewer points or no points. Responses that include superfluous data or information not specifically requested may risk a lower rating. Such inclusion often results in a lack of clarity about the program’s overall design.

viii. **Experience and prior performance (15 Points)** – Applicant experience with the HOME Program and similar housing programs will be evaluated as an indication of the likelihood of successful program completion.

1. Applicants who **have** received and administered a NYS HOME Program award during the past 5 years will be evaluated based on timely completion of HOME Program awards, progress of open contracts including commitments and expenditures to date, and compliance documented by monitoring reviews.
2. Applications submitted by current awardees with open contracts without substantial expenditures, or prior awardees with non-compliance or monitoring issues will be negatively impacted in the application review.
3. Applicants who **have not** administered a NYS HOME Program award during the past 5 years will be evaluated on their past experience administering other similar in size and scope housing rehabilitation programs.
4. Applicants must present a successful record of administration of comparable programs during the past 5 years, with funding amounts similar to the proposed program to receive the most points.

ix. **Environmental Health and Safety (5 points)** – Applications that will replace sub-standard manufactured homes with identified environmental health and safety issues will receive up to five points. The hazardous conditions that will be considered are:

1. Lead based paint
 2. Asbestos
 3. Moisture-related health problems, such as mold
 4. Other indoor air quality issues (i.e. carbon monoxide problems related to faulty heating systems)
 5. Other immediate threat health and safety issues (cited by code for dangerous electrical hazards, lack of potable water, etc.).
- Applicants that propose targeting only housing units that have been identified as unsafe/unhealthy due to the presence of one or more of these identified hazards will also receive the most points. No points will be awarded for applications that do not identify specific assistance for these hazards, or an application that exhibits significant deficiencies in this area.

C. Homebuyer Applications

- i. **Average income level served (5 points)** – Applications are rated on the extent to which they propose deeper income targeting than required by statute. Applicants proposing assistance to households with incomes at the lowest feasible levels will receive the most points, and applicants that do not target below the statutory or programmatic minimum will not receive points in this category.
- ii. **Persons with special needs targeted (5 points)** – Applications are rated on the extent to which the proposed program will assist members of the targeted groups identified in the 2015 NYS HOME Program Reference Manual, compared to other applicants. The manual is available online at <http://www.nyshcr.org/Funding/>. If the program elects to serve a special needs population, the LPA must have an executed provider agreement or Memorandum of Understanding (MOU) with a service provider that directly works with the special need population to be served. The provider agreement/MOU must directly refer applicants to the HOME assisted program. Applicants proposing a high percentage of the overall program assistance for the targeted groups, without evidence of a service contract or written agreement, will receive no points. Applicants not proposing assistance for the targeted groups will not receive points.
- iii. **Percent below federal poverty level in program service area (5 points)** – Programs in areas with the highest percentage of persons below the poverty level compared to service areas of other applications, will receive the most points. Programs in areas with the lowest percentage of persons below the poverty level compared to service areas of other applications, will receive the least points.
- iv. **Number of persons below federal poverty level in program service area (5 points)** -- Programs in areas with the greatest number of persons below the poverty level, compared to service areas of other applications, will receive the most points. Programs in areas with the least number of persons below the poverty level compared to service areas of other applications, will receive the least points.
- v. **Homeownership Rate in the Program Service Area (5 points)** – Need for homebuyer programs is evaluated in part based on the rate of home ownership in the service area and the relative affordability of for-sale housing in the service area. Programs in areas with the lowest percentage of owner-occupied units, compared with other applications received, will receive the most points. The relationship between the costs of home ownership relative to income as compared to other applications will also be considered. Applications that do not include the source of data will not receive points.

- vi. **Homeownership Affordability Index (5 points)** – The home buyer affordability index is based on median incomes and median sales prices across the state. Programs in areas where homeownership is more expensive relative to incomes, as compared with other applications, will receive the most points.
- vii. **Leveraging (20 points)** - Measures the ratio of NYS HOME Local Program funds as part of the total project cost. Applicants documenting high percentages of committed matching and leveraged funds will receive the most points. Sources of funds included in the project budget must be supported by formal documentation of commitments in the relevant application attachment to receive points.
- viii. **Administrative Plan Questions: Program Design and Capacity (35 Points)** – Answers to the questions, as inserted in the administrative plan based on the activity, will be reviewed to assess the in-house processes for compliance and the readiness and capacity of the applicant. All responses must be answered in the text box provided and are limited to the number of characters listed in the text box. Applicants must carefully review the questions and respond based on the information provide in the applicable administrative plan. Unanswered questions or deficiencies in the response will receive fewer points **or** no points. Responses that include superfluous data or information not specifically requested may risk a lower rating. Such inclusion often results in a lack of clarity about the program’s overall design.
- ix. **Experience and prior performance (15 Points)** – Applicant experience with the HOME Program and similar housing programs will be evaluated as an indication of the likelihood of successful program completion.
 - 1. Applicants who **have** received and administered a NYS HOME Program award during the past 5 years will be evaluated based on timely completion of HOME Program awards, progress of open contracts including commitments and expenditures to date, and compliance documented by monitoring reviews.
 - 2. Applications submitted by current awardees with open contracts without substantial expenditures, or prior awardees with non-compliance or monitoring issues will be negatively impacted in the application review.
 - 3. Applicants who **have not** administered a NYS HOME Program award during the past 5 years will be evaluated on their past experience administering other similar in size and scope homebuyer programs.

4. Applicants must present a successful record of administration of comparable programs during the past 5 years, with funding amounts similar to the proposed program to receive the most points.

D. CHDO Applications

- **Applicant organization must be a NYS designated Community Housing Development Organization (CHDO) prior no later than Tuesday, October 20, 2015 to request NYS HOME CHDO funds. Please send an email to OCRinfo@nyshcr.org to request more information about the CHDO designation process.**
 - i. **Average Income Level Served (5 points)** – Applications are rated on the extent to which they propose deeper income targeting than required by statute. Applicants proposing assistance to households with incomes at the lowest feasible levels will receive the most points, and applicants that do not target below the statutory or programmatic minimum will not receive points in this category.
 - ii. **Persons With Special Needs Targeted (5 points)** - Applications are rated on the extent to which the proposed program will assist members of the targeted groups identified in the 2015 NYS HOME Program Reference Manual, compared to other applicants. The manual is available online at <http://www.nyshcr.org/Funding/>. If the program elects to serve a special needs population, the LPA must have an executed provider agreement or Memorandum of Understanding (MOU) with a service provider that directly works with the special need population to be served. The provider agreement/MOU must directly refer applicants to the HOME assisted program. Applicants proposing a high percentage of the overall program assistance for the targeted groups, without evidence of a service contract or written agreement, will receive no points. Applicants not proposing assistance for the targeted groups will not receive points.
 - iii. **Percent below federal poverty level in the program service area (5 points)** - Programs in areas with the highest percentage of persons below the poverty level compared to service areas of other applications, will receive the most points. Programs in areas with the lowest percentage of persons below the poverty level compared to service areas of other applications, will receive the least points.
 - iv. **Number of Persons below federal poverty level in program service area (5 points)** – Programs in areas with the greatest number of persons below the poverty level, compared to service areas of other applications, will receive the most points. Programs in areas with the least number of persons below the poverty level compared to service areas of other applications, will receive the least points.

- v. **Homeownership Rates in the Program Service Area (5 Points)** -- Need for home ownership programs is evaluated in part based on the rate of home ownership in the service area and the relative affordability of for-sale housing in the service area. Programs in areas with the lowest percentage of owner-occupied units, compared with other applications received, will receive the most points. The relationship between the costs of home ownership relative to income as compared to other applications will also be considered. Applications that do not include the source of data will not receive points.
- vi. **Homeownership Affordability Index (5 points)** – The home buyer affordability index is based on median incomes and median sales prices across the state. Programs in areas where home ownership is more expensive relative to incomes, as compared with other applications, will receive the most points.
- vii. **Leveraging (20 points)** - Measures the ratio of NYS HOME Local Program funds as part of the total project cost. Applicants documenting high percentages of committed matching and leveraged funds will receive the most points. Sources of funds included in the project budget must be supported by formal documentation of commitments in the relevant application attachment to receive points.
- viii. **Administrative Plan Questions: Program Design and Capacity (30 Points)** – Answers to the questions, as inserted in the administrative plan based on the activity, will be reviewed to assess the in-house processes for compliance and the readiness and capacity of the applicant. All responses must be answered in the text box provided and are limited to the number of characters listed in the text box. Applicants must carefully review the questions and respond based on the information provided in the applicable administrative plan. Unanswered questions or deficiencies in the response will receive fewer points **or** no points. Responses that include superfluous data or information not specifically requested may risk a lower rating. Such inclusion often results in a lack of clarity about the program’s overall design.
- ix. **Experience and prior performance (10 Points)** – Applicant experience with the HOME Program and similar housing programs will be evaluated as an indication of the likelihood of successful program completion.
 - 1. Applicants who **have** received and administered a NYS HOME Program award during the past 5 years will be evaluated based on timely completion of HOME Program awards, progress of open contracts including commitments and expenditures to date, and compliance documented by monitoring reviews.
 - 2. Applications submitted by current awardees with open contracts without substantial expenditures, or prior awardees with non-

compliance or monitoring issues will be negatively impacted in the application review.

3. Applicants who **have not** administered a NYS HOME Program award during the past 5 years will be evaluated on their past experience administering other similar in size and scope homebuyer programs.
 4. Applicants must present a successful record of administration of comparable programs during the past 5 years, with funding amounts similar to the proposed program to receive the most points.
- x. **Green Building Practices and Energy Efficiency (10 points)** - CHDOs proposing to use HOME funds for substantial rehabilitation or new construction activities will receive points based on the extent to which the program will incorporate green building practices and energy efficiency measures in the housing rehabilitation or new construction of the HOME assisted unit. Housing rehabilitation programs that address indoor air quality, moisture control, construction waste management and other green building practices will receive the greatest number of points.
- a. New construction programs that document that their project will meet the mandatory and standard criteria as listed in the Green Building Criteria Checklist and the Green Building Reference Manual found at www.nyshcr.org/Forms/MultifamilyFinancing/2817.pdf and www.nyshcr.org/Funding/UnifiedFundingMaterials/2011/2011GreenBldgCriteriaReferenceManual.pdf will receive the greatest number of points. In addition, the Green Building Criteria Checklist must be completed and submitted as an application attachment.

E. TBRA Applications

- i. **Average income level served (10 Points)** - Applications are rated on the extent to which they propose deeper income targeting than required by statute. Applicants proposing assistance to households with incomes at the lowest feasible levels will receive the most points, and applicants that do not target below the statutory or programmatic minimum will not receive points in this category.
- ii. **Persons with special needs targeted (15 Points)** – Applications are rated on the extent to which the proposed program will assist members of the targeted groups identified in the 2015 NYS HOME Program Reference Manual, compared to other applicants. The manual is available online at <http://www.nyshcr.org/Funding/>. If the program elects to serve a special needs population, the LPA must have an executed provider agreement or Memorandum

- of Understanding (MOU) with a service provider that directly works with the special need population to be served. The provider agreement/MOU must directly refer applicants to the HOME assisted program. Applicants proposing a high percentage of the overall program assistance for the targeted groups, without evidence of a service contract or written agreement, will receive no points. Applicants not proposing assistance for the targeted groups will not receive points.
- iii. **Percent below federal poverty level in program service area (5 points) -** Programs in areas with the highest percentage of persons below the poverty level compared to service areas of other applications, will receive the most points. Programs in areas with the lowest percentage of persons below the poverty level compared to service areas of other applications, will receive the least points.
 - iv. **Number of persons below federal poverty level in program service area (5 points) –** Programs in areas with the greatest number of persons below the poverty level, compared to service areas of other applications, will receive the most points. Programs in areas with the least number of persons below the poverty level compared to service areas of other applications, will receive the least points.
 - v. **Tenant Rent Burden (5 Points) –** The need for tenant-based rental assistance programs is evaluated based on the number of renter households in the service area that are rent-burdened. Programs in areas with the highest number of households paying more than 30% income for rent will receive the most points.
 - vi. **Affordability index (5 points) –** Area affordability is evaluated based the percentage of area income needed to afford a two bedroom apartment in the proposed service areas. Programs in areas requiring the highest percentage of household income to afford a two bedroom apartment will receive the highest scores.
 - vii. **Administrative Plan Questions: Program Design and Capacity (40 Points) –** Answers to the questions, as inserted in the administrative plan based on the activity, will be reviewed to assess the in-house processes for compliance and the readiness and capacity of the applicant. All responses must be answered in the text box provided and are limited to the number of characters listed in the text box. Applicants must carefully review the questions and respond based on the information provided in the applicable administrative plan. Unanswered questions or deficiencies in the response will receive fewer points or no points. Responses that include superfluous data or information not specifically requested may risk a lower rating. Such inclusion often results in a lack of clarity about the program’s overall design.

viii. **Experience and prior performance (15 Points)** – Applicant experience with the HOME Program and similar housing programs will be evaluated as an indication of the likelihood of successful program completion.

1. Applicants who **have** received and administered a NYS HOME Program award during the past 5 years will be evaluated based on timely completion of HOME Program awards, progress of open contracts including commitments and expenditures to date, and compliance documented by monitoring reviews.
2. Applications submitted by current awardees with open contracts without substantial expenditures, or prior awardees with non-compliance or monitoring issues will be negatively impacted in the application review.
3. Applicants who **have not** administered a NYS HOME Program award during the past 5 years will be evaluated on their past experience administering other similar in size and scope TBRA programs.
4. Applicants must present a successful record of administration of comparable programs during the past 5 years, with funding amounts similar to the proposed program to receive the most points.