

D. Available Funding and Maximum Award

Maximum project subsidy limits are based on the availability of funding and other County priorities. The County establishes the maximum cap on its' investment in a single development. The County will award either:

- One \$1 million dollar award
- Two separate \$500,000.00 awards

Applicants should note that HUD imposes separate per unit subsidies that are more fully explained in the Program Guidelines.

E. Inclusion of Soft Costs

For each funding round, the County will provide allowances for development period County soft costs and ongoing monitoring fees to be used by applicants in their proposals. For this funding round, applicants should assume \$2,500 per project per year for County monitoring fees.

F. Operating Costs

For each funding round, the County will provide minimum operating cost assumptions for underwriting purposes. **For this funding round, applicants should demonstrate sustainable operating costs based upon the annual HUD rental rate.** https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_MI_2021.pdf This standard does not eliminate the need for applicants to provide information on operating costs for nearby comparable properties or limit the County's discretion to underwrite to higher costs as may be warranted.

G. Rent and Income Restrictions

To qualify as affordable housing, HOME units must be rented only to households with certain incomes at rents regulated by the program to be affordable to low-income households. Current Rent and Income Restrictions are provided at Appendix C.

When a project has five (5) or more HOME-assisted units, HOME rules require that 20% of HOME-assisted rental units must be occupied and affordable to qualified tenants at or below 50% of median household income as defined by HUD (i.e., Low-HOME units). The remaining HOME-assisted units must be occupied by tenants at 60% or less of median household income as defined by HUD (i.e., High-HOME units).

H. Match

The County must contribute or match \$0.25/\$1.00 of HOME funds spent on affordable housing. To assist the County in meeting this requirement, proposals that include eligible matching funds in their projects will be given extra consideration. Applicants should note that contributions from the applicant, including owner equity, do not count as match and will not result in the award of match points under this NOFA.

Potential forms of match on multifamily rental projects include:

- **Below Market Interest Rate financing**—When a project receives below-market interest rate (BMIR) permanent financing from a non-federal source, the discounted present value of the foregone yield can be counted as match. To count as match on a multifamily project, the interest rate at the time of closing on the BMIR loan must be less than 300 basis points above the 10-year

treasury note (for example, as of December 1, 2020, the yield on the 10-year treasury note was 0.92%, so a permanent loan closing on that date would have needed a rate less than 3.92% to count as a BMIR).

Note: Federal Home Loan Bank Affordable Housing Program (FHLB AHP) awards are a non-federal source and can generally qualify as match based on their below-market interest rate structure.

- **Local government fee waivers**—If the local government waives building permit, tap fees, or other impact fees, the full value of the fee waiver can be included as match.
- **Donation or sale of property below market value**—If a property owner donates real property or sells real property at less than appraised value for the purpose of supporting affordable housing, the value of the donated land or amount of the discount to market value may be considered match. To count as match, the seller must be an unrelated third party. The seller must also acknowledge the discount or donation in writing as a contribution to affordable housing, and the below market sales price must be documented by an independent, third-party appraisal approved by the County.
- **Infrastructure improvements**—If a local government uses non-federal resources to install infrastructure related to the development of HOME-assisted housing. For example, if a city extends sidewalks to the project site, adds a turn lane to accommodate development access, or otherwise extends street, water, or sewer service necessary to serve the project site, the value of that infrastructure investment may be counted as match.
- **Supportive services**—Supportive services necessary to facilitate independent living provided to the occupants of HOME-assisted units (such as case management, job training, assistance with the tasks of daily living, etc.) may be credited as match. To be counted, the services must be provided/paid for with non-federal sources and cannot be paid for by the owner of HOME-assisted housing. Usually, these are associated with developments with units targeted to special needs populations. In all cases services must be voluntary, tenants cannot be required to accept or participate in services as a condition of occupancy.

HOME match is a complex topic. In many cases the “match credit” of a contribution is discounted based on various financial calculations, or in other cases certain investments only create match credit after being prorated between HOME and non-HOME portions of a project or an infrastructure investment. For more information on eligible match see HUD CPD Notice 97-03 which is available at the following link: http://portal.hud.gov/huddoc/19652_97-3.pdf

IV. SELECTION CRITERIA

The preliminary funding commitments resulting from this Request for Proposals shall be determined by a scoring system including, but not necessarily limited to, the priorities outlined below. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a reservation or commitment of HOME funds. The County will, in all instances, commit HOME funds consistent with sound and reasonable judgment, prudent business practices, and the exercise of its inherent discretion to ensure that:

- Developers awarded funds are both capable and fiscally sound.
- The neighborhood market will support the proposed housing; and

- The project’s financial assumptions and projections have been reviewed (or underwritten) to balance their adequacy and subsidy layering considerations.

Points will be designated for each factor of consideration below with a maximum score of 100 points.

- *Developer experience and financial capacity— up to 36 points.*
Rankings will be based on scope of past portfolio including, but not limited to, leveraging of other sources of funds, experience developing and managing projects of similar type and scope, staff qualifications, input from other funders as well as the overall quality of the application for this project. Applicant’s current financial statement and independent audit will be reviewed for financial capacity and soundness.
- *Strength of Proforma—up to 26 points.*
The Applicant’s pro forma will be reviewed against the underwriting and pro forma requirements set forth in the Program Guidelines for compliance and strength. Rankings will reflect the strength of the overall financial proposal including the combination and availability of other non-HOME funds. The County may also consider the relative efficiency of each funding request in terms of producing affordable units at the lowest per-unit HOME subsidy cost (for this purpose, the County will consider the total affordable units in a project, including non-HOME units that are otherwise income and rent restricted by LIHTC requirements). The County will also consider the anticipated repayment schedule for the HOME loan; generally, the County will favor projects that can retire the largest portion of the original loan amount within the affordability period.
- *Projected Rents and Design/Amenities- up to 14 points.*
Projected rents, as well as design and amenity considerations, will be looked at closely for compliance with the requirements set out in the Program Guidelines.
- *Geographical Area- up to 16 points.*
Projected rents, as well as design and amenity considerations, will be looked at closely for compliance with the requirements set out in the Program Guidelines. Each proposal will be compared to the County’s minimum requirements and to each other to determine which proposal(s) are the strongest, provide the greatest public benefit, and are consistent with neighborhood needs and input. Lastly, the project will be reviewed in terms of its’ alignment with the funding focus description mentioned in the sections of the NOFA above.
- *Matching Contributions— up to 4 points*
Proposals that include eligible matching funds as described in this NOFA will be eligible for points in this category.
- *Community Housing Development Organizations—4 points*
Applicants who qualify as Community Housing Development Organizations (CHDOs) as described in this NOFA are eligible under this category.

V. QUALIFICATIONS ON FUNDING

A. Limitation on County Commitment

Successful Applicant(s) will receive a letter of intent, which will state that the County’s commitment of HOME funds is contingent upon 1) approval of the County’s 2022 Action Plan by HUD; 2) the availability of HOME funds; 3) final commitment of all funding sources; 4) an environmental review clearance and release of funds secured from HUD; and 5) execution of a HOME Agreement between the County and the

developer/applicant within 6 months from the date of letter of intent. Construction of the project must start within 12 months of the aforementioned agreement.

Neither this NOFA nor the acceptance of any application shall imply a funding obligation to any applicant. Funding of proposals will be contingent upon receipt of federal HOME funds from HUD. Should the County's HOME allocation be reduced or eliminated, no claim may be made against the County's General Fund or other resources regardless of the status of the proposal(s) or issuance by the County of a Commitment Letter(s) for HOME funding. The County reserves the sole right to approve or reject any and all applications on such basis as it deems to be in its best interest. As a Participating Jurisdiction, Oakland County is responsible for the administration of the HOME Program under federal HOME regulations and HUD requirements. It is the intent that this NOFA be issued, and proposals underwritten in compliance with said regulations and requirements. Should the regulations and requirements change at any time, the County reserves the right to alter its HOME Program to ensure compliance up to and including terminating any commitment issued if the project does not meet new HOME regulations and/or HUD requirements. The County, its elected officials, employees, and agents shall not be held responsible or liable for any losses incurred from claims, suits, damages, and costs and expenses of any kind or of any nature that any proposing firm may suffer, incur or pay arising out of decisions by the County concerning any proposal, application, loan decision(s), or action(s) associated with the administration of the HOME Program.

B. Good Standing

No loan application will be processed for any borrower or related entity which is not in good standing with Oakland County, the Michigan State Housing Development Authority (MSHDA), or any other state housing finance authority, the Michigan Economic Development Corporation (MEDC), the U.S. Department of Housing and Urban Development or the United States Department of Agriculture Office of Rural Development (USDA-RD; formerly the Farmers Home Administration). An applicant can be denied consideration for funding if the applicant or its related parties have a history of default or non-performance under any agreement, payment delinquencies, bankruptcy, foreclosure, or activities determined to be unsound or unlawful.

C. Code of Conduct

The developer covenants that no person who presently exercises any functions or responsibilities in connection with the Oakland County HOME Program has any personal financial interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The developer further covenants that in the performance of this Agreement, no person having any conflict of interest shall be employed. Any interest on the part of the developer or its employees must be disclosed to the County provided, however, that this paragraph shall be interpreted in such a manner so as not to unreasonably impede the statutory requirements that maximum opportunity be provided for employment of and participation by low and moderate-income residents of the area.

APPENDIX A
APPLICATION COVER SHEET AND REQUIRED MATERIALS CHECKLIST

Oakland County
Neighborhood & Housing Development Division
250 Elizabeth Lake Road
Pontiac, Michigan 48341
www.oakgov.com



**OAKLAND COUNTY CONSORTIUM
HOME INVESTMENT PARTNERSHIPS PROGRAM
APPLICATION COVER SHEET
2023 NOFA – RENTAL HOUSING DEVELOPMENT**

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

APPLICANT PHONE: _____

APPLICANT EMAIL: _____

NAME OF AUTHORIZED REPRESENTATIVE: _____

AUTHORIZED REPRESENTATIVE PHONE: _____

AUTHORIZED REPRESENTATIVE EMAIL: _____

CERTIFICATION OF AUTHORIZED REPRESENTATIVE: _____

I, _____, as Authorized Representative for _____ hereby, certify that all materials submitted in this proposal as noted on the checklist below are true and correct to the best of my knowledge and belief. I understand that any attempt to falsify information in this application shall result in disqualification. Further, I hereby consent to requests that Oakland County may make of third parties for information to substantiate information provided in this proposal, and I authorize third parties to release such information to Oakland County.

Signed: _____

Print Name: _____

Date: _____

APPLICATION REQUIRED MATERIALS CHECKLIST

This checklist is organized into two parts, allowing for a “tiered” application process. Initial responses to the NOFA, which are generally submitted prior to an applicant’s related submission to the Michigan State Housing Development Authority’s (MSHDA) combined application for LIHTC, must include all of the exhibits in the “Initial Application” section.

Applicants initially selected for a preliminary award of HOME Program funding will be required to submit additional and/or updated due diligence exhibits when the project receives an award of LIHTC from MSHDA. Prior to any issuance by the County of a formal and binding commitment of HOME Program funds, all items in the “Full Application” section will be required. If possible, any items from the “full” list that are available at the time of the initial application should be provided.

In all cases, materials must be organized according to the tab numbers below. If appropriate, provide an explanation for why any item is not applicable. Applicants should note that additional due diligence items will be required as set forth in Exhibit A of the Program Guidelines prior to the County’s final commitment of funds.

INITIAL APPLICATION STAGE

Application

- TAB 1- Certifications (provided at Appendix B of the NOFA)
- TAB 2- Narrative Executive Summary containing a brief synopsis of the proposed development including location, number of units, project costs, project timeline and the proposed financing. The summary should also provide a brief overview of the design of the proposed complex (frontal elevation and floor plan(s) only; detailed architectural drawings are not required with initial application), proposed site plan, amenities, and accessibility/adaptability provisions.
- TAB 3 - Itemized summary of “self-score” under 2022 Michigan Qualified Allocation Plan (if applying for 9% LIHTC)

Developer Capacity & Fiscal Soundness

- TAB 4- Developer statement of qualifications that identifies
 - A. All projects currently under construction and/or pending
 - B. Comparable projects completed within the last five (5) years
 - C. List of all Real Estate Owned, including via membership/partnership interest, by all project sponsors
 - D. Staff assigned to this project and their roles, responsibilities, and prior experience
- TAB 5- Individual resumes, copies of appropriate licenses and/or professional certifications of assigned developer staff
- TAB 6- Information on qualifications of property management agent
- TAB 7- Current financial statements for developer and any guarantors (most recent quarter)
- TAB 8- Most recent corporate audit or reviewed financial statements (preceding 3 years)
- TAB 9- Most recent tax returns for developer (990s for nonprofit developers) (preceding 3 years)
- TAB 10- Certified copies of all organizational documents of all entities in the project, including articles of incorporation, operating agreement, partnership agreement, as applicable
- TAB 11- Completed Application for CHDO Certification (as applicable) along with all required documentation (*Application and associated attachments is available upon request.*)
- TAB 12- Development team, must include disclosure of any identity of interest between development team entities (e.g., developer, general contractor, property management agent, etc.)
 - A. List of third-party development team members (*MSHDA Combined Application, Tab C acceptable/preferred*)

- B. Corporation profiles and/or individual resumes, copies of appropriate licenses and/or professional certifications for development team members

Site and Product

- TAB 13- Evidence of site control (e.g. purchase option, purchase agreement, warranty deed, etc.) *Must include disclosure of any identity of interest relationship between seller and buyer.*
- TAB 14 Uniform Relocation Act (URA) documentation
 - A. URA Notice to Seller of Voluntary Sale
 - B. Seller certification regarding vacancy
 - C. Rent Roll and evidence of General Information Notices to existing tenants (occupied properties only). *(Note, applicants **must** consult the County about URA requirements **prior** to applying for any project occupied by residential or commercial tenants. Failure to issue proper URA notices prior to application may render a project ineligible for assistance.)*
- TAB 15- Phase I Environmental Site Assessment. The Phase I must be completed in compliance with the American Society for Testing and Materials (ASTM) standard E-1527-13, including Appendices X4 and X5. The Phase I provider should acknowledge in its “statement of purpose” that one use of the report will be to determine compliance with HUD’s environmental review requirements at 24 CFR Part 58. Additional time may be granted for submission of report prepared by third parties if requested in writing at time of application submission.
Note: Applicants whose projects rely on the award of LIHTC will also be required to comply with the applicable MSHDA Environmental Policy Requirements for both Low Income Housing Tax Credits and HOME. While not required at the time of application submission, an acceptable Environmental Report (i.e., presented in the required format and meeting requisite MSHDA standards) must be provided to Oakland County in advance of a funding commitment.
- TAB 16 - Documentation of utility availability and connection costs (Water/sewer, electric, gas, etc.)
- TAB 17 – Evidence of zoning status, including what site plan, special use, or other approvals may be required and description of local building/code review approvals that will be required
- TAB 18 - Flood Hazard Determination Form (FEMA Form 086-0-32) from a nationally recognized flood data service or from a licensed surveyor that no portion of the property is located within the 100-year flood plain. The proposed development cannot be located in the designated floodplain.

Market Data

- TAB 19- Market study prepared by _____

NO TAB 20

Underwriting/Financial Projections

- TAB 21 - Proforma showing rent roll (with unit typology and revenue projections, operating cost projections, all development costs, construction period sources/uses, and 20-year operating/cash flow projections **to be provided in unlocked excel format.** (*Submission of MSHDA multifamily proforma is acceptable.*)
- TAB 22 – Initial commitments for other financing, including equity and both permanent and construction loan sources, outlining amounts, terms, and conditions for such financing.

**APPENDIX B
CERTIFICATIONS**

**Oakland County
Neighborhood & Housing Development Division
250 Elizabeth Lake Road
Pontiac, Michigan 48341
www.oakgov.com**

As part of its application to Oakland County, the undersigned representative hereby certifies that:

- True and Complete: All assertions, representations, and statements submitted as part of the application for funding, including all supporting materials and documentation, are materially true and correct and that any changes, updates, or other new or revised information will be promptly disclosed to the County.
- Penalties for Falsification: Applicant acknowledges that the provision of false information, or the omission of material information, will result in the denial of the application, and/or the cancellation and claw-back of any funding committed or received, and may subject the applicant or its affiliates to various civil and/or criminal penalties.
- Conflict of Interest: To the best of its knowledge and belief, except as explicitly disclosed by a supplement to the application, no apparent conflict of interest exists between the applicant (including its affiliates, employees, owners, managers, or members) and any employee, agent, consultant, officer, or elected official or appointed official of the County.
- 7.8 Conflict of Interest – As written in the HOME Agreement with _____

No officer, employee, agent, or consultant of Owner or immediate family members thereof (known as covered persons) may occupy a HOME-assisted affordable housing unit in the Project. However, this provision does not apply to an employee or agent of Owner who occupies a housing unit in the Project as a project manager or maintenance worker.

Notwithstanding, the County may approve a waiver to allow a covered person to occupy a unit in the Project based on a written request from Owner if, in the County's sole discretion, a waiver would be appropriate under the provisions of 24 CFR 92.356(f)(2).

While the conflict of interest provisions in 24 CFR 92.356 do not technically apply to Owner's procurement of goods and services associated with the development or operation of the Project, Owner agrees to notify the County in writing and seek the County approval prior to entering into any contract with an entity owned in whole or in part by a covered person or an entity owned or controlled in whole or in part by Owner, any Controlling Entities of the Owner, any of the underlying individual owners of the Controlling Entities, or any of the Guarantors. The County will review the proposed contract to ensure that the contractor is qualified and that the costs are reasonable. Approval of an identity of interest contract will be in the County's sole discretion.

- Debarment: To the best of its knowledge and belief, except as explicitly disclosed by a supplement to the application, neither the applicant, its affiliates, employees, owners,

managers, or members nor any of the development team members identified in the application:

- Are presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds, nor
 - Have, within a three-year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; nor
 - Are presently for indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in this certification; nor
 - Have, within a three-year period preceding this certification, had one or more public projects (Federal, State or local) terminated for cause of default.
- Lobbying Certifications:
 - No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
 - If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure of Lobbying Activities," in accordance with its instructions. <https://www.hudexchange.info/resource/308/hud-form-sflll/>
 - The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
 - This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title

31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- Authority: The undersigned has the requisite authority to submit the application and make these certifications on behalf of the applicant.

_____/_____/20____
Signature Date

Printed Name Title/Role Applicant

APPENDIX C
HOME INCOME & RENT LIMITS

Oakland County
Neighborhood & Housing Development Division
250 Elizabeth Lake Road
Pontiac, Michigan 48341
www.oakgov.com

**2021 HOME Income Limits for Detroit-Warren-Livonia, Michigan MSA Median Family Income
\$80,000.00**

(Annually Updated by HUD Effective Date: April 15, 2021)

Number of People	1	2	3	4	5	6	7	8
50% Median Income	28,000	32,000	36,000	40,000	43,200	46,400	49,600	52,800
60% Median Income	33,000	37,680	42,420	47,100	50,880	54,660	58,440	62,220

Oakland County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

2021 HOME Rent Limits for Detroit-Warren-Livonia, Michigan MSA

(Annually Updated by HUD Effective Date: June 1, 2021)

Bedroom Size	Efficiency	1 BR	2BR	3 BR	4 BR	5 BR	6 BR
Low HOME Rent Limit	697	750	900	1040	1160	1280	1400
High HOME Rent Limit	697	821	1049	1319	1451	1582	1714

FOR ALL HOME PROJECTS, THE MAXIMUM ALLOWABLE RENT IS THE HUD CALCULATED HIGH HOME RENT LIMIT AND OR THE LOW HOME RENT LIMIT.

UPDATED: 1/11/2022

APPENDIX D
UNIFORM RELOCATION ACT FORMS

NOTE: The Uniform Relocation Act forms assume that the property being purchased is and was vacant of all residential or commercial tenants as of the initiation of negotiations for the purchase. In the case of occupied properties, applicants **must** consult with the County in advance to determine the appropriate URA forms that need to be completed **prior to** submitting an application for funding. Please email NHD@oakgov.com for further instructions.

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