

County of Nassau, New York
HOME-ARP
Request for Proposals
Production of Multi-Family Rental Affordable Housing

1. Program Overview

The American Rescue Plan (ARP) provides \$5 billion to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME). The HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) funds were allocated using the HOME Program formula. The County of Nassau was allocated \$8,835,994 in HOME-ARP funding.

The objective of the HOME-ARP Program is to reduce homelessness and increase housing stability for qualifying populations (see attached definitions of qualifying populations) and low-income households (those at or below 80% area median income as defined in 24 CFR 92.2).

2. Available Funding: The County plans to allocate 78% (\$6,913,488) of its HOME-ARP allocation to the development of affordable rental housing. Another 7% (\$597,107) will be allocated each towards supportive services and non-profit operating costs. The remaining 15% (\$1,325,399) will be allocated for administration and planning activities. These funds must be spent by the year 2030.

3. Application Period: Proposals will be accepted until September 27, 2024, at 4pm.

4. Request For Proposals: The County of Nassau is requesting proposals for projects that align with the HOME-ARP Final Rule (CPD -21-10), which outlines the requirements for the Use of Funds in the HOME-ARP Program.

5. Proposal Contents: There is no formal project application. However, proposals should include, at minimum, the following components:

- 5.1 Project description. Provide a thorough description of proposed project, including location/address, type of project, type of construction/rehabilitation, preference qualifying population served, total number units (number affordable units), description of surrounding neighborhood (priority given to projects located near to local community resources, transit, and/or public services), any wrap around or support services proposed, team members, timeframe for completion of project, project design, project rent structure, terms of affordability and any other relevant information.
- 5.2 Budget proposal with breakdown of hard and soft costs, as well as other sources of funding committed or being sought.
- 5.3 Relevant experience, financial capacity, capacity to administer federal/state programs, past performance, non-profit status, certificate of good standing. Project and housing management. Please provide key staff members and resumes.
- 5.4 Description of commitment and funding sources to continue project at a minimum the 15 year affordability period.

The following format should be used to submit the information for the project presented:

- Project name;
- Project location;
- Project type and description (i.e.. New Construction of Multi-Family Rental Affordable Housing);
- Project scope;
- Start date;
- Projected completion date and actual date of occupancy;
- Total development costs;
- Sources of financing;
- Total number of units, income restrictions, bedrooms per unit and unit size (square feet);
- Long term property management/operations strategy to assure ongoing viability.

6. Scoring Criteria: Maximum (100 points)

6.1 Project Description: In addition to the Proposal Contents and other requirements in this RFP, provide a detailed narrative of the proposed project including project objectives, target population, major project characteristics, number, and type of units relative to budget. (5 points)

6.2 Ability to Proceed: Applicant has provided evidence of an available project site and Site Plan Approval. A site plan approval that requires additional planning board approvals will NOT be given points for Site Plan Approval. Backup must be submitted in order to qualify for these points. Also include a list of current projects and the stages they are in. Documentation of the foregoing shall be included within the proposal submission.

Available project site (10 points)

Site Plan Approval (5 points)

6.3 Level of Affordability/Qualifying Populations Served: Provide a detailed description of the Qualifying Populations to be served, the number of units proposed and the level(s) of affordability for the units. Points will be given based on the number of affordable units and level(s) of affordability.

Number of affordable units (50% AMI or below) (10 points)

Bonus Points for Affordable units under 30% AMI (10 points)

6.4 Organizational Capacity: Provide a detailed narrative that demonstrates Applicant's organizational capacity to successfully complete the Project. Identify and describe staff position(s) and their line responsibilities. The information shall include the functions to be performed by the key individuals. All key individuals include all partners, managers, senior staff and other professional staff that will perform work and/or services on this project. (10 points)

6.5 Schedule: Provide a detailed description of Applicant's approach to the elements of the development of affordable housing. Use charts, timelines, or schedules to indicate major and critical identifiable tasks, duration, and responsible staff or contractual position responsible for each task. Plan should be clear and evidence a logical structural flow. (10 points)

6.6 Sources of Funds: Provide sources and uses of funds, with a budget narrative as an attachment that indicates Applicant's proposed budget supports the scope of work performance. Intent is to demonstrate financial ability to close on construction financing in timeframe required.

Sources and uses of funds (5 points)

Bonus points for additional leveraged funds (10 points)

6.7 Previous Experience: Provide a detailed narrative with verifiable evidence of at least three (3) similar projects, inclusive of references. Project should be comparable in scope and complexity demonstrated with evidence of satisfactory performance. (20 points)

6.8 Financial Capacity: Provide adequate information which verifies that the team has secured funding for previous projects and has the financial capacity to fund the project and secure bonding to construct the project. (10 points)

7. Proposal Submission and Further Questions

Questions will be received until September 15, 2024. Proposals will be accepted until September 27, 2024, at 4 PM.

Submit Proposals and any questions to:

Irene V. Villacci, Esq.
Deputy County Attorney
Nassau County Office of Community Development
1 West Street, Suite 365
Mineola, NY 11501
Phone: (516) 571-2098
IVillacci@nassaucountyny.gov

8. Eligible Activities: Nassau County HOME-ARP funds can be used for the following eligible activities:

The County plans to allocate 78% (\$6,924,488) of its HOME-ARP allocation to the development of affordable rental housing. Another 7% (\$597,107) will be allocated each towards supportive services and non-profit operating costs.

Nassau County intends to use its allocated HOME-ARP funding to produce approximately 20 units of affordable rental housing through property acquisition and rehabilitation, conversion or new construction. The County anticipates the production of 20 affordable housing units to serve households that meet the definition of homeless and/or at risk of homelessness, including and disabled persons who fit these definitions. HOME-ARP funds may be invested in different types of projects, including permanent supportive housing, mixed-finance affordable housing, and market-rate projects. HOME-ARP funds may be used to assist one or more units in a project. Of the units to be funded through HOME-ARP, a minimum of 70% must serve HOME-ARP qualifying populations, and a maximum of 30% of units funded through HOME-ARP may be restricted to low-income households. To remain in HOME-ARP compliance, any unit funded through HOME-ARP must remain reserved for qualifying populations who qualified at the time of initial occupancy (for a minimum of 70% of HOME-ARP funded units) or reserved for low-income households (for a maximum of 30% of HOME-ARP funded units) for a minimum of 15 years. HOME-ARP funding may be used along with HOME funding or other County, State, or federal resources to construct affordable housing developments that serve a range of extremely-low to moderate incomes, as permitted by the various funding streams to be used. Respondents invited to interview with the County may further discuss options for operating cost assistance for units occupied by qualifying populations.

There is currently a gap in funding necessary to develop permanent housing (i.e.: non-temporary) for those with the lowest incomes. HOME-ARP funding will assist in narrowing that gap. The goal of producing 20 affordable housing units will further the County's goal of producing affordable housing units, while serving populations that are most at-need for access to permanent, affordable and sanitary housing. Affordable housing helps to stabilize households as well as communities. This goal will also assist in lessening the significant gap in housing needed to adequately serve at-risk households.

9. Eligible Populations: HOME-ARP funds must be used to primarily benefit individuals or families from the following qualifying populations (see attached definitions):

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));
- At-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));

Nassau County plans to give preference to households that meet the HOME-ARP Notice definitions of the homeless and at risk of homelessness Qualifying Populations and to the homeless and at risk of homelessness subpopulations of homeless and at-risk seniors and disabled persons. These preferences will be designed so as to not violate any applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a). The County will not limit eligibility to a particular Qualifying Population or subpopulation.

10. RFP TERMS AND CONDITIONS

This request is issued subject to the following terms and conditions:

- A. This RFP is a request for the submission of qualifications but is not itself an offer and shall under no circumstances be construed as an offer.
- B. Nassau County expressly reserves the right to modify or withdraw this request at any time, whether before or after any qualifications have been submitted or received.
- C. Nassau County reserves the right to reject and not consider any or all respondents that do not meet the requirements of this RFP, including but not limited to: incomplete qualifications and/or qualifications offering alternate or non-requested services.
- D. Nassau County reserves the right to reject any or all respondents, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed to be in its best interest.
- E. In the event the party selected does not enter into the required agreement to carry out the purposes described in this request, Nassau County may, in addition to any other rights or remedies available at law or in equity, commence negotiations with another person or entity.
- F. In no event shall any obligations of any kind be enforceable against Nassau County unless and until a written agreement is entered.
- G. The Respondent agrees to bear all costs and expenses of its response and there shall be no reimbursement for any costs and expenses relating to the preparation of responses of qualifications submitted hereunder or for any costs or expenses incurred during negotiations.
- H. By submitting a response to this request, the Respondent waives all rights to protest or seek any remedies whatsoever regarding any aspect of this request, the selection of another respondent or respondents with whom to negotiate, the rejection of any or all offers to negotiate, or a decision to terminate negotiations.
- I. Nassau County reserves the right not to award a contract pursuant to the RFP.

- J. All items become the property of Nassau County upon submission and will not be returned to the Respondent.
- K. Nassau County reserves the right to split the award between multiple applicants and make the award on a category by category basis and/or remove categories from the award.
- L. The Respondent certifies that neither it nor its principals, contractors, or agents are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from utilizing federal funds by any federal or state department or agency.
- M. If the Respondent is selected pursuant to this RFP it will be required to enter into an agreement with Nassau County for the HOME-ARP program, the terms of which are non-negotiable. Agreement terms will be based on each individual project.

ATTACHMENT 1: DEFINITION OF QUALIFYING POPULATIONS¹

IV. QUALIFYING POPULATIONS, TARGETING AND PREFERENCES

ARP requires that funds be used to primarily benefit individuals and families in the following specified “qualifying populations.” Any individual or family who meets the criteria for these populations is eligible to receive assistance or services funded through HOME-ARP without meeting additional criteria (e.g., additional income criteria). All income calculations to meet income criteria of a qualifying population or required for income determinations in HOME-ARP eligible activities must use the annual income definition in 24 CFR 5.609 in accordance with the requirements of 24 CFR 92.203(a)(1).

A. Qualifying Populations

1. **Homeless**, as defined in 24 CFR 91.5 *Homeless* (1), (2), or (3):

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

¹ HUD Notice CPD-21-10: Requirements for the Use of Funds in the HOME-ARP Program, Issued September 13, 2021

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

2. **At risk of Homelessness**, as defined in 24 CFR 91.5 *At risk of homelessness*:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, *e.g.*, family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as “homeless” under this section but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42

U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

3. Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD.

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

Domestic violence, which is defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:

- 1) A current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship);
- 2) A person with whom the victim shares a child in common;
- 3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- 4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds; or
- 5) Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence which is defined in 24 CFR 5.2003 means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Sexual assault which is defined in 24 CFR 5.2003 means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking which is defined in 24 CFR 5.2003 means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for the person's individual safety or the safety of others; or
- 2) Suffer substantial emotional distress.

Human Trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102). These are defined as:

- 1) *Sex trafficking* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- 2) *Labor trafficking means* the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

4. **Other Populations** where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

(1) **Other Families Requiring Services or Housing Assistance to Prevent**

Homelessness is defined as households (i.e., individuals and families) who have previously been qualified as "homeless" as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.

(2) **At Greatest Risk of Housing Instability** is defined as household who meets either paragraph (i) or (ii) below:

- (i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs);

- (ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, **AND** meets one of the following conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5:
- (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - (B) Is living in the home of another because of economic hardship;
 - (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
 - (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
 - (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
 - (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan

Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.