

# AFFORDABLE RENTAL HOUSING NOTICE OF FUNDING AVAILABILITY (NOFA)

**Proposals Due: Thursday, December 30, 2010 at 3:00 PM (PDT)**

**OVERVIEW:** The Portland Housing Bureau (PHB) announces funding availability up to \$7,900,000 including Tax Increment Financing (TIF), and Federal funds for affordable housing development and preservation in the amounts and to support the development activities detailed in the table below. With this NOFA, PHB seeks to advance its core values of:

**Equity** – we recognize that overcoming historic and institutional bias requires new ways of thinking about access, inclusion and priority for specific populations;

**Stewardship** – we are accountable for creating public value;

**Integrity** – we conduct our business with honesty and transparency;

**Collaboration** – we value shared risk-taking, shared accountability and shared success.

**PRE-BIDDERS CONFERENCE:** a NON-MANDATORY session for this solicitation will be held on **Wednesday, December 8th, 2010 in the Portland Housing Bureau (PHB) Steel Conference Room on the 5<sup>th</sup> floor at 421 SW 6<sup>th</sup> Ave, Portland, Oregon, from 2:00 to 3:00 PM.**

## PROJECT EVALUATION CRITERIA:

Financing	25 points
Provisions	25 points
Qualifications	25 points
Timeliness	25 points
Preference Criteria (10 point bonus - see Section III)	(10 points)
Maximum Score	110 points

## SOLICITATION COORDINATOR:

Dan Williams  
Portland Housing Bureau  
421 SW 6<sup>th</sup> Ave, Suite 500  
Portland, Oregon 97204

(503) 823-1352

[Daniel.Williams@portlandoregon.gov](mailto:Daniel.Williams@portlandoregon.gov)

<http://www.portlandonline.com/phb/>



## INFORMATION

<b>Request for Proposals Title:</b>	Affordable Rental Housing NOFA
<b>Solicitation Coordinator:</b>	Dan Williams, Housing Development Finance Coordinator Portland Housing Bureau (503) 823-1352 <a href="mailto:Daniel.Williams@portlandoregon.gov">Daniel.Williams@portlandoregon.gov</a>
<b>Proposal Due Date/Time:</b>	<b>Thursday, December 30<sup>th</sup>, 2010 at 3:00 PM (PDT)</b>
<b>Proposal Delivery Location:</b>	Sharon Johnson, Sr. Administrative Specialist Portland Housing Bureau 421 SW 6 <sup>th</sup> Ave, Suite 500 Portland, OR 97204

***Direct all questions regarding this NOFA to Dan Williams***

## SCHEDULE

<b>Request for Proposals Issued</b>	Monday, November 22 <sup>nd</sup> , 2010
<b>Pre-bidders Conference</b>	Wednesday, December 8 <sup>th</sup> , 2010
<b>Proposals Due:</b>	<b>Thursday, December 30<sup>th</sup>, 2010 at 3:00 PM (PDT)</b>
<b>Anticipated Date Evaluation Panel Meets:</b>	January 17 <sup>th</sup> -January 21 <sup>st</sup> , 2011
<b>Anticipated Notice of Awards:</b>	January 26 <sup>th</sup> , 2011

***All proposals must be received by the date and time proposals are due to be considered. PHB reserves the right to change any dates to serve goals of NOFA.***

<b>FUNDING AVAILABILITY</b>			
<b>Funding Source</b>	<b>FY Budget</b>	<b>Amount</b>	<b>Additional Information / Policy Priorities</b>
Lents TIF	2010/11	\$3,500,000	Projects including 0-30% MFI Rental development/preservation
HOME*	2010/11	\$4,400,000	Create affordable housing for low-income households

\*available citywide

**Reservations of Funds will be contingent on approval of the PDC & PHB FY 2010-11 budgets. An applicant for federal funds must not take any future action until the Release of Funds from HUD has been obtained. This includes the signing of any contracts, acquiring, rehabilitating, converting, demolishing, leasing, repairing or constructing the property. A Release of Funds requires that all environmental requirements and/or tests are met and approved by HUD.**

***GATEWAY DISPOSITION***

**Note that a separate Request for Proposals (RFP) for the Gateway Town Center property disposition will be issued in early December, 2010.**

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**In an effort to make this NOFA more succinct, not all appendices are included within the body of the NOFA. Please read all appendices carefully.**

## I. POLICY TARGETS – BY FUNDING SOURCE

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The funds available through this NOFA are for the creation or preservation of affordable rental housing within the City of Portland. The City has prioritized investing such funds in rental housing that is affordable to the lowest income populations, specifically those whose household income is no greater than 30% of the Area Median Income (AMI). This priority aligns with a significant unmet need for deeply affordable housing as determined by the City, in accordance with City Council- adopted policies and plans. Development proposals that include rental assistance, vouchers or other operating subsidies are best suited to serving the City's target population, but the City is not offering any such operating subsidy in this NOFA. Proposals that bring operating subsidy from another source that allows the project to feasibly rent to households with extremely low incomes will be favorably considered. Alternatively, proposals that provide a proportion of units at the 0 – 30% level through cross-subsidization within a larger project are also acceptable. PHB will entertain proposals that serve a slightly higher income level provided they meet a documented unmet need in the community and are otherwise financially viable.

Projects may meet city affordable housing goals by:

- Priority is for projects that maximize affordability without sacrificing viability. Projects that bring rental assistance or operating subsidy from another source, or that implement a cross-subsidy model to support deeper affordability will receive preference;
- Rehabilitating and preserving affordable housing projects;
- Acquiring and converting low-income market rental housing into long-term affordable housing;
- Creating deeply-subsidized units that would further the goals set out in Home Again: The City and County's Ten Year Plan to End Homelessness;
- Targeting under-served populations through affirmative marketing and outreach to communities of color or special needs populations and/or through culturally-specific service delivery;
- Focusing development of affordable housing on or near a MAX line or high frequency bus lines;
- Financial restructuring to the extent resources are available through this NOFA.

### **TIF Set Aside**

In 2006 Portland City Council and Portland Development Commission adopted the 30% Set Aside for Affordable Housing from TIF funding in nine Urban Renewal Areas (URA's). The recently released annual Set Aside report described expenditures in all districts through 2008-09 (June 30, 2009). The 2010-11 fiscal year completes the first five year reporting period, a point at which the Portland Housing Bureau will provide City Council and stakeholders a full assessment of the successes, challenges, lessons learned and recommendations for implementation of the Set Aside policy for the next five year period. A copy of the Set Aside Policy and most recent report may be found here:

<http://www.portlandonline.com/phb/index.cfm?c=45223>

This NOFA seeks projects that fulfill the Set Aside requirements in those districts with funding availability.

### **Lents Town Center Urban Renewal Area (URA)**

Eligible properties must be located within the Lents Town Center Urban Renewal Area boundary. The housing goals of the URA, in line with the housing goals of the City's Comprehensive Plan, stress the importance of:

- Providing new and rehabilitated housing for households with a range of incomes and housing needs;
- Recognizing the value of existing housing stock and creating opportunities for Lents residents of all ages and income levels to remain in the community;

- Preserving existing affordable housing and ensuring no net loss of affordable housing units;
- Increasing the housing stability of existing residents;
- Targeting new housing development to area residents;
- Ensuring long-term affordability;
- Using high quality design and building materials to enhance the area's livability;
- Developing or re-developing mixed-use sites to meet community and plan objectives.

The overriding vision of these goals is to create a vibrant, safe, healthy, and diverse mixed-income neighborhood that accommodates the needs, preferences, and financial capabilities of current and future households. To realize this vision, housing stock must not only be increased, but existing housing stock must be maintained and rehabilitated.

For copies of the Lents Town Center URA Plans and Housing Strategies, see [http://www.pdc.us/pubs/inv\\_detail.asp?id=107&ty=6](http://www.pdc.us/pubs/inv_detail.asp?id=107&ty=6).

### **HOME Investment Partnerships Program (HOME)**

HOME funds are the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households.<sup>1</sup> Eligible properties must adhere to HOME project requirements. HOME eligible projects include:

- Acquisition of real property;
- Single and multi-family rehabilitation;
- Single and multi-family refinance and rehabilitation;
- Single and multi-family new construction.

For specific eligible activities see Appendix I.

- Projects requiring 9% Low Income Housing Tax Credits (LIHTC) **will be eligible** to apply for funding or other program resources through the NOFA.
- Projects located within Urban Renewal Areas are eligible to apply for federal funding.

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<sup>1</sup> <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>

## II. THRESHOLD REQUIREMENTS FOR PROJECT ELIGIBILITY

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All proposals, regardless of location or proposed funding source, must meet the following threshold criteria to be considered further by the selection committee. :

- **Project will serve tenants earning 60% MFI and below** Projects may include some units for tenants over 60% MFI, but subsidy is not available for those units.
- **Projects must comply with required 60-year affordability agreement.**
- **Proposed projects must be located within the designated boundaries of the funding source: within designated URA or within city of Portland for Federal funds.**
- **Demonstrates a specific plan to meet City of Portland objectives for Business and Workforce Equity:** Contractors are strongly encouraged to employ women and minorities in their workforce and to utilize minority, women and emerging small businesses in construction work related to project. See Appendix C.
- **Projects must have five or more rental units. Projects must maximize leverage of non-city resources with consideration of policy targets to be served.**
- **Acquisition/rehab projects must include upgrades to the property:** Project must include a scope of rehabilitation that addresses physical deficiencies that is a material portion of the total development budget. The developer must clearly demonstrate these repairs are needed to bring the project into a condition comparable with neighborhood standards or are needed to address building code deficiencies.
- **On-Site Inspection:** All proposed projects will comply with required on-site physical inspections by PHB Construction Coordinators prior to commitment of funds and/or during construction.
- **Site Control:** All proposals for funding must have site control in the form of title, an option to purchase, a master lease agreement for a period of at least 99 years, or other forms of site control acceptable to PHB, *or be able to demonstrate site control within four (4) months of application submittal.* Proposals must also provide evidence of land use suitability; including zoning, environmental assessments, and neighborhood compatibility. Depending on source of funding, a voluntary sales agreement/arms length transaction may be required.
- **Federal Lead Regulations:** All projects proposing rehabilitation of structures built before 1978 will be subject to federal Lead-Based Paint regulations per 24 CFR Part 35. See Appendix F.
- **Other PHB and/or PDC policies and requirements may apply, depending on the specific project.** See Appendix C.
- **Existing PHB/PDC funded projects-** Any applicant with previously funded PHB/PDC projects in their portfolio must be current on reporting requirements and required loan payments.
- **Financial Documentation:** Applicants must provide current financial statements and recent financial audits (if available) in sufficient detail for PHB to analyze the overall health of the organization, and the performance of other real estate owned.
- **Support letters will be required** from all partner service providers identified in the application.
- **Green Building Initiative Program:** Requires developers to integrate green building practices into construction projects and meet established LEED Standards. See [http://www.pdc.us/pubs/inv\\_detail.asp?id=201&ty=57](http://www.pdc.us/pubs/inv_detail.asp?id=201&ty=57)

- Additional information regarding project criteria is contained within the Appendix. In an effort to make this NOFA more succinct, not all appendices are included within the body of the NOFA.



### III. PREFERENCE CRITERIA

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In addition to meeting the required threshold criteria, above, projects that meet any or all of the following specific preference criteria will be prioritized for funding.

#### ***Citywide***

- Projects from sponsors who have met or exceeded PHB or PDC Business and Workforce Equity goals on their most recent PHB/PDC project: 5 points.
- Projects that provide housing that minimizes barriers to entry for high barrier populations (i.e. people experiencing homelessness, domestic violence, etc.): 5 points.

## IV. SUBMITTAL REQUIREMENTS/APPLICATION

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Project Sponsors shall submit the following minimum application materials:

1. Cover page including:
  - PHB Affordable Rental Housing NOFA
  - Name of and contact information for Project Sponsor
  
2. Project Overview Narrative that includes:
  - Type of project (acquisition/rehab, rehab/preservation, or new construction);
  - Description of project including number and type of units and key design elements;
  - Description of the target population and income mix;
  - Description of project location, neighborhood characteristics, appropriateness for target population, and resident services if any.
  
3. Development team summary: Project Sponsor, Residence Services provider (if any), partners, and qualifications and experience, including ownership entity and its relationship to development team.
4. Plan to exceed business equity and workforce equity goals.
5. Site control and supporting materials.
6. Preliminary Pro Forma including projected sources and uses, income and expense breakdown, and 30 year cash flow projections. Applicants may use their own form of Pro Forma provided that it supplies the required information. Applicants also submitting to OHCS for funding through the CFC cycle are encouraged use the OHCS form of pro forma for this application. A sample form of pro forma can be obtained through the PHB Website: <http://www.portlandonline.com/phb/>
7. Affirmative Marketing Plan, including a discussion of intended population, indication of barriers the population faces, and how sponsor will provide outreach and support services.
8. Funding Application with URA questionnaire (Appendices A and B).
9. Organizational financial statements (see Threshold Requirements above)

**Project application materials (1-4) shall not exceed 10 pages. All pages in the application must be numbered.**

Proposals must be submitted by **3:00 p.m. Thursday, December 30, 2010 to be considered responsive.**

**Submit three (3) hard copies of completed application and documentation, with copies of all documents on CD-Rom (NO FAXES PLEASE) to:**

**Sharon Johnson, Sr. Administrative Specialist  
Portland Housing Bureau  
421 SW 6<sup>th</sup> Ave, Suite 500  
Portland, OR 97204  
Phone: (503) 823-2375**

## V. SELECTION PROCESS

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All applications will be reviewed within five days of receipt to determine if minimum threshold requirements are met. PHB reserves the right to identify, clarify and accept any minor irregularities or informalities in determining whether or not a proposal is responsive.

Proposals meeting minimum threshold requirements outlined in Section IV will be reviewed by a review committee that will evaluate project applications based on Project Evaluation Criteria:

- **Financing:** (maximum of 25 points)
  - The project's financing structure and feasibility.
- **Provisions:** (maximum of 25 points)
  - The project's provision of public benefit, applicable policy goals, leverage of public funds, and plan to meet Business and Workforce Equity goals
- **Qualifications:** (maximum of 25 points)
  - The project sponsor's development and property management experience, organizational health, and overall capacity to serve intended population.
- **Timeliness:** (maximum of 25 points)
  - The project's additional required due diligence and readiness to proceed.
- **Preference Criteria:** (maximum of 10 point bonus)
  - Section III on page 9.

In addition, Proposals will be reviewed for:

- per unit total cost,
- per unit PHB subsidy,
- square foot costs, and
- terms of financing requested.

PHB will compare the above factors to projects in similar geographies serving similar populations.

All acquisition and rehab projects must justify purchase price including the cost of rehabilitation.

If the review committee is satisfied that the project is feasible and sufficiently meets policy targets, a recommendation will be made to the PHB Director. PHB may choose to award Reservation of Funds to any or none of the responsive proposals.

**A Reservation of Funds is not a commitment to fund projects; it is an agreement to set aside budgeted funds for a specific project for up to six months, to allow the Project Sponsor to proceed with predevelopment activities at its own expense prior to receiving a commitment. A final commitment of funds is contingent upon PHB's standard lending procedures.**

## VI. GENERAL CONDITIONS

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This NOFA is not a solicitation of competitive bids. PHB by this request for proposals specifically reserves the right in its sole discretion to determine which proposals best serve the public good, and to:

- A. Revise the solicitation, evaluation, or selection process including extending the deadline or canceling without selecting any Projects.
  - B. Waive informalities and irregularities in the proposals received in response to this NOFA.
  - C. Disqualify without recourse or appeal any or all proposals.
  - D. Reject any or all proposals with or without cause.
  - E. Determine the timing, arrangement and method of any presentation throughout the process.
  - F. Verify and investigate the qualifications and financial capacity of the Project Sponsor, and any of the information provided in the proposal.
1. Every effort has been made to provide current and correct information; however, unless citing a specific PHB approved resolution or plan, PHB makes no representation or warranty with respect thereto.
  2. All proposals received shall become the property of PHB and considered an official public record subject to inspection by the public in accordance with ORS 192.502 and PHB's Public Records Access Policy after the completion of the NOFA process; and may be used for any purposes relevant to the decisions and actions undertaken by PHB towards development of the property being offered.
  3. Restrictions on communication. Every effort has been made to include herein all the information necessary to prepare and submit a responsive proposal to this NOFA. However, in the event additional information is desired, please adhere to the following:

If you have a question about any of the information or requirements contained in this NOFA, direct your question in writing to:

Dan Williams, Housing Development Finance Coordinator  
Portland Housing Bureau  
421 SW Sixth Avenue, Suite 500  
Portland, OR 97204  
[Daniel.Williams@portlandoregon.gov](mailto:Daniel.Williams@portlandoregon.gov)

All questions and answers will be posted to the PHB website page and an e-mail sent to all potential Project Sponsors registering their download of the solicitation from the PHB Website:

<http://www.portlandonline.com/phb/>

A similar process will be followed for any formal Addenda to this NOFA.

4. During the course of this NOFA, Project Sponsors are cautioned not to undertake any activities or actions to promote or advertise their proposals except in the course of PHB-authorized presentations; or to make any direct or indirect (through others) contact with members of the Board, staff review committee members (if named) or PHB staff members not identified in this NOFA as a contact for specific information, except upon prior approval of the above stated Project Manager.
5. PHB will not hold "one-on-one" meetings with any Project Sponsors during the evaluation process except as part of a scheduled interview or presentation process involving all or a "short list" of Project Sponsors. PHB may, however, ask individual Project Sponsors clarifying questions or obtain additional information about some specific point of a proposal.

6. Failure to abide by these restrictions is grounds for disqualification. This NOFA does not commit PHB to enter into an agreement.
7. PHB accepts no responsibility or obligation to pay any costs incurred by any potential or eventual Project Sponsors in the preparation or submission of a proposal; or in complying with any subsequent request by PHB for information or participation throughout the evaluation process.
8. Respondents to this NOFA are prohibited from employing or retaining a former PHB employee to assist in the preparation of a proposal to this NOFA if the former PHB employee has been separated from PHB for less than one year and was associated with the Property or related project while employed by PHB.
9. The Selected Developer is further prohibited from employing or retaining a former PHB employee who has been separated from PHB for less than one year and was associated with this Property or related Project while employed by PHB:
  - A. To work on or receive any financial gain related to the Project; or
  - B. To work in a capacity responsible for influencing, or trying to influence the actions of PHB other than through public testimony.
10. Protests: A Project Sponsor may not protest the selection of the Selected Developer. However, a Project Sponsor who has received notice that its proposal was non-responsive may protest the determination of non-responsiveness according to the process described in Appendix K.

**APPENDIX A**

**PHB FUNDING APPLICATION**

**PORTLAND**  
**HOUSING**  
**BUREAU**

**A. ORGANIZATIONAL INFORMATION**

**Applicant/Borrower Name/Title**

\_\_\_\_\_  
Address: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
SSN/Tax ID: \_\_\_\_\_

**Company Name**

\_\_\_\_\_  
**Company Type** (check one)  
 Partnership     Limited Partnership  
 Corporation     Limited Liability Corp. (LLC)  
 Community Development Corp. (CDC)  
 S-Corporation     Individual  
Other (specify) \_\_\_\_\_

**Borrower Type** (please check one and if CBDO/CHDO provide documentation)

- For Profit     Not-for-Profit CBDO (Community Based Development Org.)
- Not-for-Profit CHDO (Community Housing Development Org)
- Not-for-Profit HAP (Housing Authority of Portland)
- Other (specify) \_\_\_\_\_

Do you have site control of the property?    Y  N     Site Control Exp. Date (if applicable) \_\_\_\_\_  
If no, identify critical path to completing the site acquisition:

If yes, type of site control instrument (Check one and submit document with application)

- Deed     Lease     Option to Purchase     PSA    Other (specify) \_\_\_\_\_

**Property Owner Information**

<b><u>Owner's Name/Title</u></b> (if different than borrower)	
Address: _____	
City/State: _____	Zip: _____
Phone: _____	
Fax: _____	
Email: _____	

**Project Contact Information**

<b><u>Contact Name/Title</u></b> (if different than borrower)	
Address: _____	
City/State: _____	Zip: _____
Phone: _____	
Fax: _____	
Email: _____	

**Sponsor Capacity:** Describe past developments with federal funds and your ability to comply with applicable CDBG regulations including, environmental review, Davis Bacon wage requirements, Uniform Relocation Act, MWESB, Workforce Training and Hiring, etc.

**B. FINANCIAL ASSISTANCE INFORMATION**

**Financial Assistance Type and Amount Requested**

• Please attach a financial a complete proforma for the project

<u>Type</u>	<u>Amount Requested</u>
<input type="checkbox"/> Loan	HOME _____
	TIF _____

**Purpose of Financial Assistance** (check all that apply)

- Financial Restructuring
- 01- Acquisition
- 12- Multi-family/Single family new construction\*
- 14A- Single family Rehabilitation
- 14B- Multi-Family Rehabilitation

Tenure of Property:  Low income home ownership  Affordable rental housing  Facility (describe ownership)

**The following PHB financial assistance requires a different PHB application. Check if you intend to apply for:**

- Limited Tax Abatements (LTA)       Fee Waivers       System and Development Charges (SDC)
  - Shared Appreciation Mortgage (SAM)       Lead Hazard Control Loan or Grant
  - Transit-Oriented Development Exemption (TOD) via Planning Bureau
- Other (specify) \_\_\_\_\_

**C. PROJECT INFORMATION**

**Project Name**

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Project Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_

Property Tax Id: \_\_\_\_\_

**Location Information**

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Urban Renewal District: \_\_\_\_\_

Neighborhood Name: \_\_\_\_\_

Neighborhood Code: \_\_\_\_\_

Census Tract: \_\_\_\_\_

Project is for mixed use: (check if applies)

Location Policy Impact Area: Y  N   
(see attached Location Policy Form)





**Certification of Borrower**

I certify that all of the statements made in this application (and all other supporting documentation furnished in connection with this application) are true, complete and correct to the best of my knowledge and belief and are made in good faith. I understand that knowingly providing false information in connection with this application is a violation of state law and may result in criminal prosecution.

I understand Portland Housing Bureau (PHB) will retain this application whether or not it is approved, and completing the application is not a guarantee of approval or funding. I understand that any or all information contained in this application (and all other supporting documentation furnished in connection with this application) may be subject to verification or investigation by the PHB. In submitting this application, I authorize the verification and investigation of all matters which the PHB deems relevant to my application for financial assistance, including without limitation, all statements contained in this application, property inspections, credit and employment history and construction experience. For these purposes, (a) I consent to the release of such information by credit agencies, banks, employers and other relevant individuals and agencies to any duly authorized agent of PHB; (b) I release from all liability such individuals and agencies supplying such information; and (c) I release the PHB from all liability for making such investigations and inquiries.

This application information is confidential and submitted voluntarily to the City of Portland acting by and through the PHB. I understand that non-exempt information contained in this application is subject to disclosure under the Oregon Public Records Law, ORS 192.420, in the sole discretion of PHB.

I hereby certify that I do not anticipate that any existing tenants will be displaced by the rehabilitation funded by any public or PHB financing and that no units have been vacated in anticipation of obtaining a rehabilitation loan from PHB. I certify that any tenant required to vacate within six (6) months prior to the date of loan application was evicted for documentable cause. Should any tenant (s) be displaced by the rehabilitation or because of an increase in rents, I will be responsible for the cost incurred in their relocation.

I hereby certify that I understand the loan source may be federal funds and thereby, if required, I will maintain compliance with the pertinent federal regulations stipulated for the use of these funds. In addition, I understand that the terms of the loan will require monthly principal and interest payments on a fully amortizing, 20 year loan at the applicable interest rate determined at loan closing.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, gender, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant’s income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Region X Office of the Federal Trade Commission, or Federal Trade Commission, Equal Credit Opportunity, Washington D.C. 20580.”

I hereby certify that I have no business or personal relationships with any other companies or persons that could be considered as a conflict of interest to the Partners, and that the key personnel and principals identified to perform work under an awarded contract do not have any undisclosed personal or business relationships with any of the Partners’ officers or employees.

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

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The Portland Housing Bureau is an equal opportunity employer

Return original to:

Portland Housing Bureau  
Attention: Housing Development Finance Manager  
421 SW 6<sup>th</sup> Avenue, Ste. 500  
Portland, OR 97204

**PORTLAND**  
**HOUSING**  
**BUREAU**

**SPONSOR'S STATEMENT OF FINANCIAL**  
**CAPABILITY**

The following information is supplied for the official and confidential use of the Portland Housing Bureau and its Agents for the sole purpose of evaluating financial assistance applications.

1. Sponsor Information

- a. Name of Sponsor: \_\_\_\_\_
- b. Address of Sponsor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. Sponsor's Federal Taxpayer Identification Number: \_\_\_\_\_

2. Contact Information:

Please provide the name of Sponsor's representative to contact regarding information contained in this statement:

- a. Name of Sponsor's Representative: \_\_\_\_\_
- b. Phone Number of Sponsor's Representative: \_\_\_\_\_

- 3. a. The financial condition of the Sponsors, as of \_\_\_\_\_, 200\_\_, is reflected in the attached *Certified Financial Statement* showing assets and liabilities, including contingent liabilities, fully itemized in accordance with generally accepted accounting principles and based on a proper audit.

[Note: If the attached financial statement is not current (within 90 days) or has not been audited, additional information may be required at a later time.]

- b. Name of auditor or public accountant who performed the audit on which said financial statement is based:

Auditor Name: \_\_\_\_\_

4. Name and address of bank and financial institution references:

Bank Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 References: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Has the Sponsor or parent corporation, or any subsidiary or affiliated corporation, if any, or the Sponsor or said parent corporation, or any of the Sponsor’s officers or principal members, shareholders or investors, or other interested parties been adjudged bankrupt, either voluntary or involuntary, within the past 10 years?

Yes       No

6. Has the Sponsor or anyone referred to in item 5 above as “Principals of the Sponsor”, been indicted for or convicted of any felony within the past 10 years?

Yes       No

If yes, give for each case (a) date; (b) charge; (c) place; (d) court; and (e) action taken. Attach any explanation deemed necessary.

**Certification**

I (We)\* \_\_\_\_\_, certify that this *Statement of Financial Capability* and the attached evidence of the Sponsor’s financial responsibility including financial statements are true and correct to the best of my (our) knowledge and belief; and authorize the Portland Housing Bureau to verify this and related credit information.

_____	_____
Date	Date
_____	_____
Signature	Signature
_____	_____
Title	Title
_____	_____
Address	Address
_____	_____
_____	_____

\*If the Sponsor is a corporation, this statement should be signed by the President and the Secretary of the corporation; if an individual, by such an individual; is a partnership, by one of the partners; if an entity not having a president or secretary, by one of its chief officers having knowledge of the financial status and qualifications of the Sponsor

**APPENDIX B**

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**Uniform Relocation and Acquisition Act Questionnaire**

*This questionnaire is intended to gather information to assess potential requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Please use additional paper if necessary.*

**Date:**

**Applicant:**

**Type of Project: (i.e., new construction, rehabilitation, existing Section 8, etc.)**

**Funding Source Applied for (HOME, CDBG, HOPWA, etc):**

**Project Location / Address:** \_\_\_\_\_

**(Internal Use Only: PDC Reviewer):** \_\_\_\_\_

<b>I. SITE ACQUISITION SECTION</b>
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**1.** Does the applicant currently own the site? *(if yes please indicate the year it was purchased. If the property was purchased <1 year ago, a Voluntary Arm's Length Purchase Offer will need to be executed).*

Yes       No

**If yes, was the site purchased for this project? (Year Purchased)**

Yes       No  *(If no, please describe why this site was originally purchased)*

**1(a)** If site control exists, was seller provided with URA required Voluntary Arm's Length Purchase Offer? (form attached at the end of this document)?

Yes  **(include copy)**    No  **(one must be obtained prior to funding. N/A  (an N/A reflects that the site was not purchased for this project)**

**1(b)** What is the anticipated date the purchaser can obtain the voluntary arms length transaction document? \_\_\_\_\_

**RELOCATION/SECTION 104(d) SECTION**

2. Will there be any low/moderate income dwelling units that will be demolished or converted to another use other than low/moderated housing? Yes  No

2(b) Are there low income tenants living on the premises? Yes  No

3(a) Please provide copies of the following information:

Relocation Plan

Rent Roll (a list of all persons, including children, roommates and businesses who occupy the property (Businesses may include but are not limited to daycare, computer repair, car maintenance, performed by tenants, etc.)

List of previous tenants who have moved within the past year

GIN notices w/ proof of delivery (signed acknowledgements or certified mail receipts)

**Please Provide the Following Breakdown:**

Estimated number of tenants to be permanently displaced \_\_\_\_\_

Estimated number of tenants to be temporarily displaced \_\_\_\_\_

Estimated number of businesses to be permanently displaced \_\_\_\_\_

Estimated number of businesses to be temporarily displaced \_\_\_\_\_

4(a) Is there a projected estimated budget for relocation costs? Please take into consideration any special needs of the displaced, including age, disabilities, family size, and number of children that may increase the costs and provide, if available, a copy of the budget along with this questionnaire.

Yes  No

4(b) Has the source of funding for such costs has been identified. (If yes, please list type)

Yes  No

4(c) Does the applicant feel informed of the requirement to provide funds for relocation costs and the complexity of this process?

Yes  No

4(d) Has a relocation consultant been identified? (If yes, indicate name) Yes  No

**GUIDELINE NOTICE (HUD Handbook 1378 Chapter 5.3)**  
**Disclosure to Seller with Voluntary**  
**Arm's Length Purchase Offer**

Date:

Dear

This letter is to confirm certain terms and conditions related to the contemplated purchase of the (Subject Property Address). The parties to the contemplated sale are ("Seller Name") ("Buyer Name"). We are prepared to pay \$\_\_\_\_\_ for clear title to the property. Because Federal Funds are anticipated to be used for the purchase, we are required to disclose to the "Seller" the following information and request that you sign below and return the executed acknowledgement to my attention:

1. Seller acknowledges that the sale of the ("subject property") building and lands ("location of property") is voluntary.
2. Seller acknowledges that ("Buyer") does not have the power to acquire the site by condemnation (i.e., eminent domain).
3. Seller acknowledges the fair market value of the property to be \$XXXXXX, as determined by [insert description of how sales price was determined, e.g., appraisal, market comp study, etc. and attach a copy to this agreement].
4. Because the purchase of the Subject Property is a voluntary, arm's length transaction and Seller does not occupy the Subject Property, Seller is not eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), or any other law or regulation.

If this letter accurately reflects your understanding of the terms relating to the sale of the ("Subject Property"), please so acknowledge the fact by signing and dating a copy of this letter in the place provided below.

Executed on this \_\_\_\_ of XXXXXX, XXXXX

SELLER: XXXXXXXXXXXXXXX

By: \_\_\_\_\_

Its: \_\_\_\_\_

## APPENDIX C

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### ADDITIONAL POLICIES AND PROJECT REQUIREMENTS

**Housing Access:** Sponsors must agree that they will coordinate with or participate in the following programs with respect to any housing development financed with PHB resources:

- **Housing Connections** – Housing Connections is a web-based community service that is intended to better connect providers of housing and housing services to renters who are looking for these types of housing opportunities.
- **Fresh Start** – Fresh Start is a partnership among housing providers, service providers, persons with barriers to accessing housing, and PHB. Support from the service provider and a landlord guarantee fund help mitigate risks related to renting to tenants who do not meet screening criteria.
- **Ready-to-Rent/Rent-well** is a housing readiness education class offered by certified trainers that helps potential tenants overcome barriers to renting. A landlord guarantee fund helps mitigate risks related to renting to tenants who do not meet screening criteria.

**Location Policy:** Proposals from sites located in neighborhoods considered City of Portland “impact areas” must comply with PHB “Location Policy”.  
<http://www.portlandonline.com/phb/index.cfm?c=35694>

**Sixty Year Affordability Period:** Units in affordable housing projects must be affordable for 60 years. The income and occupancy restrictions will be documented in loan and regulatory agreements.

**Business and Workforce Equity:** PHB adheres to all policy goals and objectives adopted by the City of Portland and the Portland Development Commission that aim to increase the participation of historically disadvantaged businesses and populations in the expenditure of public funds. Elements of PHB’s Business and Workforce Equity policy goals include the following:

- **M/W/ESB Good Faith Effort Program:** Applies to construction loan projects with PHB financing of \$300,000.00 or more and with construction costs greater than or equal to \$300,000.00. PHB has set a 20% goal for utilization of state-certified M/W/ESB firms and applies it to the “direct construction costs” also known as ‘hard costs’ for residential low-rise construction. The goal is the same for commercial high-rise construction except the commercial high-rise construction will be reviewed with an analysis of availability and capacity of certified firms for the specific project(s). In addition, PHB has a specific focus on firms operated by people of color and expects contractors to, at a minimum, aim for a balance in utilization between minority-owned, women-owned and emerging small business. If the 20% goal is not met, PHB will conduct a review of the efforts and related and documentation undertaken by the development and construction team to determine if such efforts were made in good faith towards achievement of the goals.
- **Workforce Training and Hiring Program:** Applies to construction loan projects with PHB financing of \$300,000.00 or more and prime construction contracts of \$1,000,000.00 or more. In addition to the prime contractor, all subcontracts of \$100,000.00 or more, regardless of tier level, need to comply. The purpose of this program is to maximize apprenticeship and employment opportunities for minorities and women in the construction trades on projects. Program guidelines and general conditions that are effective at the time the loan agreement is executed shall be applied to the Project.

### Section 3 Requirements of the HUD Act of 1968 (24 CFR part 135)

Section 3 requires that when employment or contracting opportunities are generated by HUD funded projects, preference is given to low income persons and business residing in the community where the project is located (Section 3 “residents and business concerns”) Owners and their contracting partners are responsible for ensuring compliance with Section 3 in the hiring and contracting decisions made on the project. PHB is responsible for overseeing and reporting to HUD on Section 3 outcomes and providing tools and resources to achieve these outcomes. The owner must include Section 3 considerations in their procurement of a General Contractor.

- *Equal Employment Opportunity Certification*: Applies to the GC’s, which are required to become EEO certified by the City of Portland within 30 days of the signing of PHB loan closing documents.

**Prevailing Wages: BOLI wages and Davis Bacon where applicable**

To more effectively promote the Workforce Training and Hiring Program specifically and all Business and Workforce Equity Programs, PHB will require pre-bid meetings for all new projects to be attended by City of Portland Procurement Services staff, PHB Senior Construction Coordinator and a PHB Housing Manager or designee(s)

**Green Building Initiative (GBI) Criteria:** Mandatory threshold criteria based on the Green Building Initiative (GBI) have been integrated into this PHB Rental Housing NOFA process. All NOFA project proposals must commit to the comprehensive inclusion of these threshold criteria to receive funding awards through the NOFA process. See *Green Building Initiative Program* for specific threshold criteria and updated program information. [http://www.pdc.us/pubs/inv\\_detail.asp?id=201&ty=57](http://www.pdc.us/pubs/inv_detail.asp?id=201&ty=57)

**Asset Management:** Asset Management is the process of achieving the long-term goals of the owner/sponsor including the acquisition, administration, and disposition of real estate. It focuses on the owner’s responsibilities that are separate from property management. Eligible activities include fiscal planning including reviewing and accepting the annual audit and approving the operating and capital budgets, compliance and reporting to and interacting with lenders and regulatory bodies, oversight of property manager including selection and replacement, approving operating policies, risk management, handling legal issues, and planning for long term maintenance.

Sponsor must be willing to comply with all asset management, property management and reporting requirements. Enhanced Property Management will be required for all Permanent Supportive Housing projects to ensure project success. Project sponsors will be required to comply with the following:

- *Enhanced Property Management*: Enhanced Property Management is additional property management support to projects serving very low and extremely low income households, special needs, and large families. The amount of additional support needed is determined by the specific target population. The additional support is designed to keep tenants stable in their housing. Eligible expenses include on-site staffing to keep tenants safe, additional maintenance requirements, and resident services coordination. The resident service coordinator can help tenants access health care, case management, counseling and support groups, job training, and educational and financial support services. Direct program and resident service delivery are ineligible expenses.
- *Resident Services Plan*: Required at time of a reservation of funds: Projects serving chronically homeless and high resource using families must describe how the project will meet resident service needs including units targeted as Permanent Supportive Housing. Please include in the description; 1) the process used to determine needed services, 2) the resident services to be



offered, available funding for the services and duration of services, and anticipated results of such services, and 3) how resident services will be coordinated with on-going project management. If partnerships are identified, please attach letters from service providers showing their intent to deliver services. These letters should indicate the level of commitment at this time.

- *Borrower Asset and Property Management Plan* – Required before Loan Commitment: Sponsor needs to complete Asset and Property Management Plan for project and compliance thereof. Format is included in the appendices guidelines available at <http://www.portlandonline.com/phb/index.cfm?c=52818>. PHB is looking for strategies and policies that support and maintain quality housing in accordance with City long-term goals.
- *Asset Management Reporting and Monitoring Requirements*: Successful sponsor should be prepared to comply with reporting and monitoring requirements as established in PDC's Asset Management System. Information regarding Asset Management Reporting and Monitoring Requirements are detailed in the Borrower's Asset Management Guidelines which are available at [www.pdc.us/assetmangement](http://www.pdc.us/assetmangement).

**Technology and Internet Access:** Sponsors are encouraged to follow guidelines of the proposed Technology and Internet Access Guidelines; including high speed Internet connections in the living area of every new construction or substantial rehabilitation unit affordable to residents at or below 80% of the median family income. Having this Internet connection furthers the ability of the residents to build assets, further their education and raise their standard of living. Project sponsors may elect to include access in on-site project offices, community rooms, and/or residential units.

## ***City Council Resolution No. 36648 for CPTED***

All multi-family housing developments funded through the city of Portland shall follow the CPTED design policy. CPTED is a policy addressing **C**rime **P**revention **T**hrough **E**nvironmental **D**esign. The policy resolution may be found at:

<http://www.portlandonline.com/auditor/index.cfm?c=51503>

CPTED is the proper design, maintenance, and use of the built environment in order to enhance the quality of life and to reduce both the incidence, and the fear, of crime. CPTED involves the balanced application of the following five principles.

- A. Natural Surveillance.**
- B. Territoriality.**
- C. Access Control.**
- D. Activity Support.**
- E. Management and Maintenance.**

CPTED addresses Opacity limits on outdoor fencing, walls, and other visual barriers. This includes landscape. There is a need for consistent lighting indoors and outdoors. Exterior doors, address numbers, building numbers and recessed areas require illumination. Clear transitions in the public rights of way are essential. Areas of surveillance require clear delineation and obvious locations for offices and public amenities. Eye-viewers are necessary at entry doors. Building and design specifications must clearly address quality door hardware and security systems. The PHB staff will assist all clients in the review and process necessary for CPTED

## APPENDIX D

### Portland Area HOME Limits, Effective **June 26, 2010**

#### Adjusted HOME & [LIHTC (PIS 1/1/09)] Income Limits (Annual)

	1-Person	2-Person	3-Person	4-Person	5-Person	6 Person	7-Person	8-Person
30% Limit	\$14,950	\$17,100	\$19,250	\$21,350	\$23,100	\$24,800	\$26,500	\$28,200
Very Low Income	\$24,950	\$28,500	\$32,050	\$35,600	\$38,450	\$41,300	\$44,150	\$47,000
60% Limit	\$29,940	\$34,200	\$38,460	\$42,720	\$46,140	\$49,560	\$52,980	\$56,400
Low-Income	\$39,900	\$45,600	\$51,300	\$56,950	\$61,550	\$66,100	\$70,650	\$75,200

#### Adjusted HOME Program Rents

	Efficiency (Studio)	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom	5-Bedroom	6 Bedroom
Low HOME Rent	\$623	\$668	\$801	\$925	\$1,032	\$1,139	\$1,246
High HOME Rent	\$626	\$726	\$839	\$1,170	\$1,286	\$1,401	\$1,515
SRO or Group Homes	\$469 *	\$726 *	\$839 *	\$1,222 *	\$1,467 *	\$1,687 *	\$1,907 *

<p><b>* Fair Market Rent for 2010</b></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Bedroom Size</td> <td style="text-align: center;">FMR</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">\$626</td> </tr> </table>	Bedroom Size	FMR	0	\$626	<p><b>Single Room Occupancy (SRO) and Group Housing Rents - CPD 94-01</b></p> <p><b>SRO Housing</b></p> <ul style="list-style-type: none"> <li>• If the unit has neither food preparation nor sanitary facilities, or only one, rents <u>may not exceed 75% of the FMR for a 0 bedroom (BR) unit</u> (the "lesser of" standard does not apply).</li> <li>• If the unit has both food preparation and sanitary facilities, "High HOME Rents" and "Low HOME Rents" for a 0 BR unit apply.</li> </ul> <p><b>Group Housing</b></p> <ul style="list-style-type: none"> <li>• Rents are based on the Fair Market Rent (FMR) for the unit size (number of bedrooms).</li> </ul>
Bedroom Size	FMR				
0	\$626				

**January, 2010 HOME Maximum Per-Unit Subsidy for Portland (rev. 10/25/10)**  
**(Based upon FHA Multifamily Mortgage Limits for Elevator Construction under Section 221(d)(3))**  
**2010 Limits signed 10/5/10 effective January 1, 2010**

Unit Size	Maximum Per-Unit HOME Subsidy
0 Bedroom	\$133,799
1 Bedroom	\$153,377
2 Bedroom	\$186,507
3 Bedroom	\$241,278
4 Bedroom	\$264,851

## APPENDIX E

### 2010 Median Income for a Family of Four:

**\$71,200**

Published by PORTLAND HOUSING BUREAU: 5/28/10

Effective: 5/14/10

### HUD Median Income Percentages - issued by HUD for Section 8 [or LIHTC, PIS eff 1/1/09]

Household Size	30%	40%	45%	50%	55%	60%	65%	80%	2010 100% see NOTE	WORK FORCE 120%
1	14,950	19,960	22,455	24,950	27,445	29,940	32,435	39,900	<b>49,840</b>	59,808
2	17,100	22,800	25,650	28,500	31,350	34,200	37,050	45,600	<b>56,960</b>	68,352
3	19,250	25,640	28,845	32,050	35,255	38,460	41,665	51,300	<b>64,080</b>	76,896
4	21,350	28,480	32,040	35,600	39,160	42,720	46,280	56,950	<b>71,200</b>	85,440
5	23,100	30,760	34,605	38,450	42,295	46,140	49,985	61,550	<b>76,896</b>	92,275
6	24,800	33,040	37,170	41,300	45,430	49,560	53,690	66,100	<b>82,592</b>	99,110
7	26,500	35,320	39,735	44,150	48,565	52,980	57,395	70,650	<b>88,288</b>	105,946
8	28,200	37,600	42,300	47,000	51,700	56,400	61,100	75,200	<b>93,984</b>	112,781

**NOTES:** (1) 2010 Income levels have increased based on HUD's calculations for the Portland-Vancouver-Beaverton, OR-WA MSA<sup>1</sup>. **The income schedule above is to be used for projects that DO NOT have LIHTC funding, except for those placed in service on or after 1/1/2009. SEE HERA Income/Rent Schedule for LIHTC projects placed in service on or before 12/31/2008.**

(2) Other 2010 MFI levels are based on the 4-Person Income Limit of \$71,200. The 1-Person family Income Limit is 70% of the 4-Person Income Limit, the 2-Person family Income Limit is 80% of the 4-Person Income Limit, the 3-Person family Income Limit is 90% of the 4-Person Income Limit. Each family size larger than four (4) is calculated by an 8% increase per HH member to the 4-Person Income Limit. (i.e., 5-Person = 108%; 6-Person = 116%; 7-Person = 124%; 8-Person = 132%, and so on. **The income levels shown here are also consistent with the HOME calculations and tax credit calculations for projects put in service on or after 1/1/09.**

**ALSO SEE HOME PROGRAM INCOME/RENT LEVELS ISSUED BY HUD - SEPARATE SCHEDULE**  
The income and rent levels differ for some family and bedroom sizes.

**2010 Housing Affordability: Maximum Monthly Rent Including Utilities  
by Median Family Income With a Housing Burden of 30%<sup>2</sup> (effective 5/14/10)**

# of Bedrooms	Household Size	30%	40%	45%	50% Compare Low HOME	55%	60%	65% Compare High HOME	80%	100%	WORK FORCE 120%
0	1	373	499	561	623	686	748	810	997	1,246	1,495
1	1.5	400	534	601	668	734	801	868	1,068	1,335	1,602
2	3	481	641	721	801	881	961	1,041	1,282	1,602	1,922
3	4.5	555	740	833	925	1,018	1,110	1,203	1,481	1,851	2,221
4	6	620	826	929	1,032	1,135	1,239	1,342	1,652	2,064	2,477
5	7.5	683	911	1,025	1,139	1,253	1,367	1,481	1,823	2,278	2,734

(Based on the HUD Portland<sup>1</sup> Area Median Income as of December 31, 2009: \$71,200 for a family of four. Income & Rents above are based on 4-Person Income Limit of \$71,200. Rent calculations are rounded down to the nearest \$1.00).



**Portland Housing Bureau**

421 SW 6th Avenue, Suite 500 | Portland, OR 97204  
503-823-2375 | Fax: 503-823-2387 | MFI Tables: 503-823-3259

<b>Fair Market Rent for 2010</b>	
Bedroom Size	FMR
SRO	\$469
0	\$626
1	\$726
2	\$839
3	\$1,222
4	\$1,467
5	\$1,687
6	\$1,907

<sup>1</sup> Portland-Vancouver-Beaverton, OR-WA MSA = Clackamas, Clark, Columbia, Multnomah, Skamania, Washington & Yamhill Counties

<sup>2</sup> Rents can be set below the median family income % threshold. For instance a residential unit may be restricted to households at or below 50% MFI, but have one-bedroom rents (and utilities expenses) that are below \$668/month.

## APPENDIX F

### LEAD BASED PAINT REQUIREMENTS

Proposals will be reviewed for compliance with federal lead-based paint regulations included in 24 CFR Part 35 that are triggered by rehabilitation work in properties built before 1978. These new federal regulations became effective April 10, 2001 and regulate assisted activities in pre-1978 housing funded with CDBG, HOME, and HOPWA resources.

Rehab Costs Per Unit	Federal Requirement
Rehab proposals requesting hard cost subsidy of under \$5,000 per unit	<ul style="list-style-type: none"> <li>• Notification to occupants (see below)</li> <li>• Paint test or assumption of lead-based paint in worksite</li> <li>• Safe work practices (contractor must take HUD/NARI course)</li> <li>• Repair of disturbed paint in worksite</li> <li>• Clearance (all paint in worksite must be tight to surface with no dust registering above action levels during clearance test) performed by certified individual</li> </ul>
Rehab proposals requesting hard cost subsidy between \$5,000 and \$25,000 (hard costs) per unit	<ul style="list-style-type: none"> <li>• Notification to occupants (see below)</li> <li>• Risk Assessment of entire property (interiors, exteriors and common areas) by certified risk assessor</li> <li>• Safe rehab work practices (including relocation)</li> <li>• Hazard control performed on all identified hazards, conducted by HUD/NARI trained contractor or certified abatement contractor</li> <li>• Clearance of property (interiors, exteriors, and common areas) by certified individual</li> </ul>
Rehab proposals requesting hard cost subsidy over \$25,000 (hard costs) per unit	<ul style="list-style-type: none"> <li>• Notification to occupants (see below)</li> <li>• Risk Assessment of entire property (interiors, exteriors, and common areas) by certified risk assessor</li> <li>• Safe rehab work practices (including relocation)</li> <li>• Abatement of all identified hazards using a certified abatement contractor</li> <li>• Clearance of property (interiors, exteriors, and common areas) by certified individual</li> </ul>

#### **Notification Requirements**

Federal regulations require that residents of all units triggering the federal lead regulations receive the following notification:

1. EPA Pamphlet "Protect Your Family from Lead in Your Home"
2. Notice of the presumption of lead paint, paint testing results, or the results of a risk assessment
3. Notice of planned response to results of paint testing or risk assessments
4. Notice of clearance results

### **Training and Certification Requirement**

Federal regulations require that all hazard control work be conducted by contractors and workers that are trained in lead-safe work practices. All abatement work must be conducted by abatement contractors and workers certified by the State of Oregon.

For more information on the lead-based paint requirements, contact:

Andrea Matthiessen  
Portland Housing Bureau

(503) 823-2379

## APPENDIX G

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### ADDITIONAL DOCUMENTATION REQUIRED PRIOR TO RESERVATION OF FUNDS

The following information is not required for the application to the NOFA, but will be required before PHB issues a Reservation of Funds.

#### **Project Design:**

- Conceptual architectural plans and site plans which address any concerns identified during Technical Assistance Period
- Narrative of Building Materials and Systems
  - Describe the materials proposed, the appropriateness for the target population, and any elements consistent with the *Permanent Supportive Housing Design Goals* in Appendix D.
- Project schedule (critical path)

#### **Project Financing:**

- Updated development budget
- Updated operating pro-formas, including rent schedules, etc.
- Updated Preliminary sources and uses

#### **Property Information:**

- Preliminary Title Report
- Site Control Evidence
- Evidence of compliance with City of Portland Location Policy (Appendix H)

#### **If the project involves an occupied building:**

- Preliminary Relocation Plan
- Lead paint documentation if structure was constructed prior to 1978
- History of capital improvements and major repairs for last 2 years

#### **Project Sponsor:**

- Corporation/partnership articles and by-laws
- Federal income tax return (2 years)
- Financial statements (2 years) PHB may request audited financial statements for larger projects (e.g. over 12 units)
- Certification of Participant Regarding Debarment, Suspension and Other Responsibility Matter
- Lobbying Certificate
- Sponsor Statement of Financial Capability (Application Materials #6)

#### **Services, Management and Asset Management:**

- Letter of Intent from Service Provider

## APPENDIX H

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### LOCATION POLICY

#### Context

In June 1993, in response to the Fair Housing Amendments Act of 1988, Commissioner Gretchen Kafoury appointed a citizen Task Force on Strategies for Fair Housing. The Task Force was asked to review the city's zoning code and to recommend changes which would ensure compliance with Act. The Task Force emphasized an approach which would allow housing for low-income people to be sited throughout the community while balancing the needs of all involved. City Council adopted Task Force recommendations in December, 1993, which included changes to the zoning code, certification standards for mass shelters for the homeless, and a **location policy addressing geographic concentrations of poverty in Portland**. These three recommendations act together to ensure that while changes to the zoning code have created a more streamlined process, in some cases making it easier to site special needs housing, areas of community concern are also considered.

#### Location Policy Goals

The goals of the location policy are to:

1. Maximize housing choice, especially for low-income people who have traditionally been limited in the location of housing that they could afford;
2. Discourage the concentration of low- or no- income households in any one area of the city;
3. Encourage the creation of additional housing resources for low-income households integrated throughout the community.

#### Location Policy

The city will meet the goals of this policy by restricting city-controlled funding for low-income housing in "impact areas" (areas determined to have high concentrations of poverty). For the purpose of this policy, "city-controlled funding" includes HOME, CDBG and HOPWA funds and low interest loan programs. "Impact areas" (see <http://www.portlandonline.com/phb/index.cfm?c=40109&a=95710>) are census tract block groups which meet the following criteria:

1. More than 50% of the households in the block group earn less than 50% of median income; or
2. Twenty percent or more of the housing units are public and assisted.

#### When does the location policy apply?

The location policy applies if:

1. the proposed housing or shelter is in an "impact area;" and
2. the project requires city-controlled funding; and
3. more than 50% of the units of the proposed housing or housing program (i.e. the Homestead program), or more than 50% of the proposed shelter residents, are expected to be below 50% of median income.

**The location policy does not apply if the proposed housing or shelter will not increase the concentration of poverty.** Examples:

1. Rehab projects in which the current occupants remain or have the right to remain;
2. Home repair loans or assistance for existing homeowners.



**The location policy does not apply to proposed housing which exclusively serves victims of sexual or domestic violence because confidentiality can be essential for this type of housing. However, the Portland Housing Bureau does encourage voluntary compliance with the location policy.**

Finally, the location policy does not apply to projects for which application for funding was made before July 1, 1994.

### **Exception Criteria**

If the location policy applies, city-controlled funding will only be recommended if PHB determines that the housing meets two out of five exception criteria. These criteria recognize that while it is generally in a community's best interest to discourage further concentrations of poverty in fragile areas, there are also times when the benefits of low-income housing may outweigh the costs.

These five criteria are:

1. The project or proposed project will rehabilitate existing substandard housing to standard condition. Substandard housing means that there are violations of the city building codes.
2. The project or proposed project will provide housing to meet local community need. Neighborhood need can be documented through the use of demographic data as well as with information on the targeted market for the housing. For example, if referrals are coming from a local social service agency already serving area residents then the housing may be seen as meeting community need. Individual letters of support are not adequate documentation of local community need.
3. The project or proposed project will provide housing that meets the objectives of an adopted neighborhood plan or neighborhood revitalization strategy. For example, the Albina Plan is recognized by local neighborhood associations as well as City Council.
4. The project or proposed project has the support of all neighborhood and business associations (recognized by the City of Portland Office of Neighborhood Associations) within 400 feet of the site.
5. The project or proposed project furthers the goals of the shelter reconfiguration plan as the goals relate to the reconfiguration of shelters in the downtown area for homeless singles.

### **Who will administer the location policy?**

The Portland Housing Bureau will administer the location policy. The Bureau will also monitor the policy to determine if it is meeting the stated goals. This includes tracking the location of new publicly funded housing or shelters to modify designated impact areas if necessary. A more extensive evaluation of the project will occur three years after its adoption. This evaluation will include an analysis of whether there are "disparate impact" concerns for consumers of special needs housing and whether or not the policy meets the stated goals.

### **Displacement**

The Portland Planning Commission raised concerns about the potential for displacement of low-income residents as the result of the location policy and zoning code amendments. The city discourages the displacement of one low-income population by another and PHB will monitor displacement and include this issue in the extensive evaluation.

### **How will the location policy be implemented?**

If the proposed housing will be located in an “impact area”, a majority of the units are targeted for residents below 50% of median income, and the area’s concentration of poverty may be increased, the developer should contact the siting coordinator at the Portland Housing Bureau Andrea Matthiessen, (503) 823-2379). The siting coordinator will confirm whether or not the location policy applies and will issue a memo to that effect within 5 (five) working days.

If the location policy applies and the developer wishes to qualify for city funding, the siting coordinator and the developer will meet to determine whether the project might meet two of the five exception criteria. It will be up to the developer to compile the necessary documentation, although the siting coordinator will be available as a resource. Once all the necessary documentation regarding the exception criteria has been submitted to the siting coordinator, the siting coordinator will determine whether or not the exception criteria have or have not been met. The siting coordinator will issue a memo to the developer within 10 working days after receiving all the needed information.

### **Appeal Process**

Any person who is dissatisfied with a decision relating to qualification under the location policy may file a written request for an administrative review with the Portland Housing Bureau. The appeal must be received within 10 (ten) working days after the decision. The Director of the Portland Housing Bureau will conduct the administrative review, make a decision within 10 (ten) working days, and will notify the parties involved in writing. This decision will be based on information pertaining to the location policy which has already been submitted by the applicant to the Portland Housing Bureau. If the applicant has new information to submit they can reapply for qualification.

### **Site Control**

On occasion, small amounts of city funding are needed for site control and pre-development. Costs linked to obtaining site control are exempt from the location policy. Developers who believe that the location policy might apply to a potential project are strongly encouraged to contact the siting coordinator before obtaining site control. If the location policy applies to the housing or shelter and the exception criteria are not met, then no additional city funding would be available for that project.

If the location policy applies, the siting coordinator will begin a file on the project once the developer obtains site control and applies for city funding. All information in the file will be public information.

### **Questions**

If you have any questions, please contact Andy Miller at (503)823-2375

## APPENDIX I

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### FEDERAL FUNDS COMPLIANCE

*This appendix addresses issues that have not been previously covered. Its intention is to inform the applicant of eligible activities as well as requirements when applying for federal funding. **Please note that the information highlighted in red requires special attention and is time sensitive.***

#### AVAILABLE FUNDS

The types of **federal** funds made available through this NOFA are **HOME** (HOME Investment Partnerships). Allowable activities as described below.

**HOME:** The following is a general list of eligible uses of HOME funds depending on the nature of the program activity; new construction, rehabilitation, reconstruction, conversions, site improvements, acquisition of property and/or vacant land, demolition, relocation, refinancing, capitalization of project reserves and project related soft costs. **24 CFR Part 92.206 - 209**

#### UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT of 1970 (URA)

**Acquisition:** The Uniform Act or URA protections and assistance apply to acquisitions of real property and displacements resulting from the acquisition, rehabilitation or demolition of real property for federal or federally assisted programs or projects and must comply with 49 CFR part 24. Real property acquisitions which are “voluntary” (conducted without the threat of eminent domain) must satisfy the applicable requirements in 49 CFR 24.101(b) (1) – (5). **For those “projects” which have site-control, the developer must provide proof with the voluntary acquisition requirements** (See Application Processing Review appendix in this NOFA for required template).

**Relocation:** If the project involves an occupied building **you must, at the time of the submission of an application for this 2010 NOFA, provide the occupants with a General Information Notice (GIN) which has been hand delivered or sent certified mail.** This notice must also meet HUD standards (see below for sample template). **You will be required to provide PHB with copies of the GIN notice you provided to each resident.** If the building was recently vacated (within one (1) year of application) please be prepared to explain and provide proof of the circumstances surrounding the vacancies.

#### ENVIRONMENTAL ISSUES

**Environmental Review:** **Prior to a commitment of federal funds an environmental review must be completed by PHB.** The project/applicant is prohibited from entering into any contracts, acquiring, rehabilitating, converting, demolishing, leasing, repairing or constructing the property until all environmental requirements and/or tests are met and a Release of Funds is received from HUD.

#### UNIFORM ACCESSIBILITY STANDARDS – SECTION 504

**Accessibility Requirements:** In accordance with PHB funding criteria and as required by HUD, each housing project funded with **CDBG** or **HOME** funds, must be in compliance with Section 504 UFAS (Uniform Federal Accessibility Standards) requirements. All housing projects with 5 or more units must meet criteria established in 24 CFR Part 8. If the units proposed are townhomes, then the requirements apply when there are 15 or more units. Five Percent (5%) of all units, but not less than 1 shall be made

to meet these criteria. If the project is in an existing building (rehabilitation) Section 504 requirements may not apply depending on the scope of work to be performed.

***PLEASE NOTE: THIS IS NOT AN ALL INCLUSIVE LIST, BUT RATHER A REFERENCE TOOL TO MAKE THE CUSTOMER AWARE OF COMPLIANCE ISSUES WHICH MAY AFFECT THE PROJECT.***

**GUIDEFORM GENERAL INFORMATION NOTICE  
RESIDENTIAL TENANT POTENTIAL DISPLACEMENT**

**Grantee/Agency/Developer Letterhead**

**(Date)**

Dear \_\_\_\_\_:

(City, County, State, Public Housing Authority (PHA), other) is interested in (acquiring, rehabilitating, demolishing) the property you currently occupy at (address) for a proposed project which may receive federal funding assistance from the U.S. Department of Housing and Urban Development (HUD).

The purpose of this notice is to inform you that you may be displaced as a result of the proposed project. This notice also serves to inform you of your potential rights as a displaced person under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You may be eligible for relocation assistance and payments under the URA, if the proposed project receives HUD funding and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

If you are determined to be eligible for relocation assistance in the future, you may be eligible for:

- 1) Relocation advisory services including help to you find another place to live;
- 2) At least 90 days advance written notice of the date you will be required to move;
- 3) Payment for your moving expenses; and
- 4) Replacement housing payments to enable you to rent, or if you prefer to purchase, a comparable replacement home.

You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. The enclosed HUD brochure, "**Relocation Assistance To Tenants Displaced From Their Homes**" provides an explanation of this assistance and other helpful information.

**(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen**

or national, or an alien lawfully present in the United States.)

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

**Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time.** If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing. If you have any questions about this notice or the proposed project, please contact

(Name) \_\_\_\_\_, (Title) \_\_\_\_\_,  
(Address) \_\_\_\_\_, (Phone) \_\_\_\_\_.  
Sincerely,  
(Name and Title) \_\_\_\_\_

=====

NOTES TO DEVELOPER/AGENCY/GRANTEE

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It may be revised to reflect the circumstances.

Please download and provide to tenants the brochure titled **Relocation Assistance to Tenants Displaced From Their Homes at:**

<http://www.hud.gov/offices/cpd/library/relocation/publications/>

# APPENDIX J

## SCHEDULE OF UTILITY ALLOWANCES

### SECTION 8 PROPERTIES

Effective September 1, 2010

		0-BD	1-BD	2-BD	3-BD	4-BD	5-BD	6-BD	7-BD
A	ELECTRIC-MONTHLY SERVICE CHARGE	\$9	\$9	\$9	\$9	\$9	\$9	\$9	\$9
L	LIGHTS & REFRIG.	\$12	\$17	\$22	\$27	\$34	\$39	\$45	\$52
L	FAN	\$2	\$3	\$4	\$4	\$5	\$6	\$7	\$8
E	COOKING	\$5	\$7	\$9	\$11	\$14	\$16	\$18	\$21
L	HOT WATER	\$22	\$31	\$40	\$49	\$62	\$71	\$81	\$93
E	SPACE HEAT (EXIST. S/F DETACHED)		\$62	\$77	\$93	\$111	\$123	\$142	\$163
C	SPACE HEAT (NEW S/F DETACHED)		\$30	\$42	\$46	\$54	\$57	\$70	\$80
T	SPACE HEAT (EXIST. MULTIPLEX)	\$35	\$48	\$59	\$72	\$84	\$94	\$108	\$124
	SPACE HEAT ( NEW MULTIPLEX)	\$18	\$25	\$31	\$38	\$44	\$49	\$56	\$65
G	GAS-MONTHLY SERVICE CHARGE	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6
A	COOKING	\$4	\$6	\$8	\$10	\$13	\$14	\$17	\$19
S	HOT WATER	\$12	\$16	\$21	\$26	\$33	\$38	\$43	\$50
	SPACE HEAT (EXIST. S/F DETACHED)		\$42	\$53	\$64	\$76	\$85	\$97	\$112
	SPACE HEAT (NEW S/F DETACHED)		\$18	\$23	\$27	\$32	\$36	\$42	\$48
	SPACE HEAT (EXIST. MULTIPLEX)	\$24	\$33	\$40	\$50	\$57	\$65	\$74	\$85
	SPACE HEAT ( NEW MULTIPLEX)	\$11	\$15	\$18	\$22	\$26	\$29	\$34	\$38
O	HOT WATER	\$21	\$30	\$38	\$47	\$60	\$68	\$79	\$90
I	SPACE HEAT (EXIST. S/F DETACHED)		\$95	\$119	\$143	\$170	\$189	\$218	\$250
L	SPACE HEAT (NEW S/F DETACHED)		\$40	\$53	\$61	\$71	\$81	\$93	\$107
	SPACE HEAT (EXIST. MULTIPLEX)	\$54	\$73	\$90	\$111	\$128	\$145	\$166	\$191
	SPACE HEAT ( NEW MULTIPLEX)	\$24	\$33	\$41	\$50	\$58	\$65	\$75	\$86
W	INSIDE PORTLAND	\$7	\$10	\$13	\$16	\$20	\$23	\$27	\$31
T	INSIDE GRESHAM	\$17	\$19	\$21	\$23	\$26	\$28	\$30	\$33
R	OTHER AREAS	\$7	\$10	\$13	\$16	\$21	\$24	\$27	\$31
S	SEWER- SINGLE FAMILY DWELLING	\$49	\$56	\$64	\$72	\$84	\$91	\$101	\$111
W	SEWER- S/F Troutdale	\$31	\$31	\$31	\$31	\$31	\$31	\$31	\$31
R	SEWER- MULTI-FAMILY DWELLING	\$17	\$23	\$30	\$37	\$47	\$54	\$62	\$71
GAR	GARBAGE/ SOLID WASTE (WEEKLY PIU)	\$25	\$25	\$25	\$25	\$25	\$25	\$25	\$25
	USE SAME RATE FOR GRESHAM AND OTHER AREAS								
A	TENANT OWNED								
P	APPLIANCES								
	REFRIG.	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
L	CREDIT	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
<b>TOTAL</b>									

EXISTING SINGLE FAMILY DETACHED OR MULTIPLEX ARE UNITS NOT WEATHERIZED AND CONSTRUCTED IN OR BEFORE 1980  
 WEATHERIZED (3 OF 4) WINDOWS \_\_\_\_\_ CEILING \_\_\_\_\_ FLOOR \_\_\_\_\_ WALLS \_\_\_\_\_

NEW SINGLE FAMILY DETACHED OR MULTIPLEX-DOUBLE GLASS ARE UNITS WEATHERIZED OR CONSTRUCTED AFTER 1980

SERVICE CHARGES ARE FIXED FOR ELECTRIC, GAS, AND WATER/SEWER.

ALL CHARGES FOR ELECTRIC ARE AVERAGED BETWEEN PP&L AND PGE

4522 HDD USED IN COMPUTATIONS

LIGHTS INCLUDE REFRIGERATOR, OVERHEAD LIGHTS, LAMPS AND OUTLETS.

REFERENCE HUD-52667 FOR ALLOWANCE TABLES

FMR	
-UA	
MAX	

S-5 - 09/10

EXISTING SINGLE FAMILY DETACHED OR MULTIPLEX ARE UNITS NOT WEATHERIZED AND CONSTRUCTED IN OR BEFORE 1980

## APPENDIX K

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### PROTEST INFORMATION

- A. Timing of Protest. A Project Sponsor advised that its proposal was non-responsive is entitled to protest, and shall have five (5) business days after receiving notice of a determination from PHB to submit to PHB a written protest.
- B. Format of Protest
  - 1) The protest must be delivered in writing to PHB attention: General Counsel and signed by an authorized official of the protesting party. E-mails, faxes and late protests will not be considered.
  - 2) The written protest shall describe how its proposal met the evaluation criteria and was therefore responsive to this NOFA.
- C. Review: The PHB Assistant Director will review the protest and any additional relevant information and render a determination generally within five (5) business days as to whether the protest has merit or not; and if so, the proposed remedy. This determination will be transmitted to the protestor and all other Project Sponsors.
- D. Appeal: If the Project Sponsor submitting the protest, or any other Project Sponsor, is not satisfied with the determination and/or remedy, they may appeal the determination to the Director within three (3) business days.
  - 1) An appeal must be delivered in writing to PHB, attention: Director and signed by an authorized official of the protesting party. E-mails, faxes and late appeals will not be considered.
  - 2) The written appeal shall specify the grounds upon which the appeal is based, and describe how the Project Sponsor will be adversely affected or aggrieved by the determination.
- E. Final Determination of Protest: The Director shall review the determination and appeal and render a final determination in a timely manner. The determination may be to:
  - 1) Reject the protest; or
  - 2) Implement a remedy to the protest.
- F. Suspension of NOFA: If a qualified protest is received, PHB shall suspend all further activity related to the evaluation of responses to this NOFA until such time that a determination has been made and an appeal period, if any, has lapsed. A notice of suspension will be transmitted to all Project Sponsors by the Project Manager.