

**COUNTY OF ERIE/TOWN OF HAMBURG
HOME CONSORTIUM**

**NOTICE OF FUNDING AVAILABILITY (NOFA)
& REQUEST FOR PROPOSALS
RFP# 2022-049VF**

**HOME-ARP
AFFORDABLE HOUSING DEVELOPMENT**



Notice of Funding Availability (NOFA) & Request for Proposals

HOME-ARP Acquisition, Construction, and/or Rehabilitation of Affordable Housing

**Issue Date:
December 5, 2022**

**Issuing Agency:
Erie County Community Development
95 Franklin Street
Buffalo, New York 14202**

Background

The American Rescue Plan (ARP) has allocated \$5 billion to assist individuals or households who are homeless, at risk of homelessness, or in other vulnerable populations, with provision of affordable housing and supportive services. Grant funds are administered through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME), with the goal of reducing homelessness and increasing housing stability for qualifying populations and low-income households.

The Erie County Department of Environment and Planning (ECDEP) has been awarded **\$3,442,399** in HOME ARP funding. Funds will benefit vulnerable populations within the thirty-seven (37) communities that make up the Erie County/Town of Hamburg HOME Consortium. These communities are noted on Attachment A to this RFP.

Request for Proposals

ECDEP is seeking Proposals from qualified nonprofits and/or housing developers interested in the acquisition, construction, and/or rehabilitation of affordable rental housing in the Erie County/Hamburg HOME Consortium. Potential projects must align with the HOME ARP Final Rule (CPD-21-10) requirements which can be found [here](#).

Application Period

Proposals will be accepted on a rolling basis through **May 31st, 2023**. Awards may be made on rolling basis.

Information Meeting

An information meeting will be held via Webex on Wednesday, January 18th, 2023, at 10:00 AM. Please email Senior Planner Marie Thornton at Marie.Thornton@erie.gov to register and receive a link for the meeting.

Eligible Activities

\$3,095,279 of Erie County's HOME-ARP funds has been set aside for the acquisition, construction, and/or rehabilitation of affordable rental housing. Acquisition of vacant land or demolition may be undertaken only with respect to a HOME-ARP project for which construction is expected to start within 12 months of commitment.

HOME-ARP funds may be used to assist one or more units in a project. Only the eligible development costs of the HOME-ARP units may be charged to the HOME-ARP program. Cost allocation in accordance with 24 CFR 92.205(d)(1) is required if the assisted and non-assisted units are not comparable. After project completion, the number of HOME-ARP units in a project cannot be reduced during the HOME-ARP minimum compliance period of 15 years and prior to the end of the HOME-ARP budget period.

Funding Availability

There is no minimum or maximum grant amount that can be requested in response to this Notice. Funding allocations will be dependent on the quality and quantity of responses.

HOME-ARP funds may pay for up to 100 percent of the following eligible costs associated with HOME-ARP rental units:

- Development hard costs include the actual cost of constructing and rehabilitating housing to meet applicable property standards. Eligible development costs also include site improvements, utility connections and costs to construct or rehabilitate laundry and community facilities located within the same building as the HOME-ARP housing;
- Refinancing of existing debt secured by a HOME-ARP rental project rehabilitated with HOME-ARP funds;
- Acquisition costs of improved or unimproved real property;
- Related soft costs including reasonable and necessary costs incurred by the PJ or project owner associated with the financing, development, acquisition, or rehabilitation of HOME-ARP rental housing;
- Relocation costs as defined in 24 CFR 92.206(f), 24 CFR 92.353, and the Notice;
- Certain costs related to the payment of construction, bridge, or guaranteed loans, if HOME-ARP is part of original financing; and
- Operating cost assistance, through a capitalized operating reserve or ongoing operating cost payments, for HOME-ARP units restricted for occupancy by qualifying households.

Qualifying Populations

HOME ARP funds must primarily benefit individuals or families from the following qualifying populations. (See Attachment B for further detail on qualifying populations).

1. **Homeless**, as defined in 24 CFR 91.5 Homeless (a), (b), or (c);
2. **At risk of Homelessness**, as defined in 24 CFR 91.5 At risk of homelessness;
3. **Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**, as defined by HUD Notice CPD-21-10; or
4. **Other Populations**, where providing supportive services or assistance under 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. Includes households earning no greater than 50% AMI and exhibiting characteristics associated with instability and an increased risk of homelessness, such as high to severe rental housing cost burden (paying more than 30%-50% of gross household income toward housing costs).

Project Requirements

- **Eligibility and Income Certification**: Projects must confirm potential tenants' status as a qualifying population and annual household income at initial occupancy. Tenant household income must then be recertified on an annual basis.
- **Property Standards**: HOME-ARP rental units must comply with all rental property standards required in 24 CFR 92.251 paragraphs (a), (b), (c)(1) and (2), (e), and (f).
- **Rental Limitations**: The HOME-ARP rent may not exceed 30 percent of the adjusted income of a household whose annual income is equal to or less than 50 percent of the median income for the area, as determined by HUD (i.e., Low HOME Rents).
- **Changes in Income and Over Income Households**: A qualifying household whose annual income at the time of recertification is above 50 percent of median income for the area but below 80 percent of median income for the area must pay the rent specified in 24 CFR 92.252(a).
- **Tenant Selection and Referral Methods**: HOME-ARP project grantees will take referrals from multiple sources and will maintain a referral list open to all qualifying populations. Applicants must then be accepted in chronological order regardless type of qualifying population.
- Once awarded, projects must submit a *Tenant Selection Plan* to the County which will outline how project developers plan on soliciting tenant application from all qualifying populations.

Funded Projects must be completed by December 31, 2026

Proposal Contents

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

- Project description. Provide a thorough description of proposed project, including location/address, type of project, type of construction/rehabilitation, 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, and any other relevant information
- Budget proposal with breakdown of hard and soft costs, as well as other sources of funding committed or being sought
- Relevant experience
- Description of project design, project rent structure, and terms of affordability

Proposal Submission and Further Questions

Submit Proposals and any questions to:

Paul D'Orlando, Principal Contract Monitor, (716) 858-2194

Via Email: Paul.D'Orlando@erie.gov

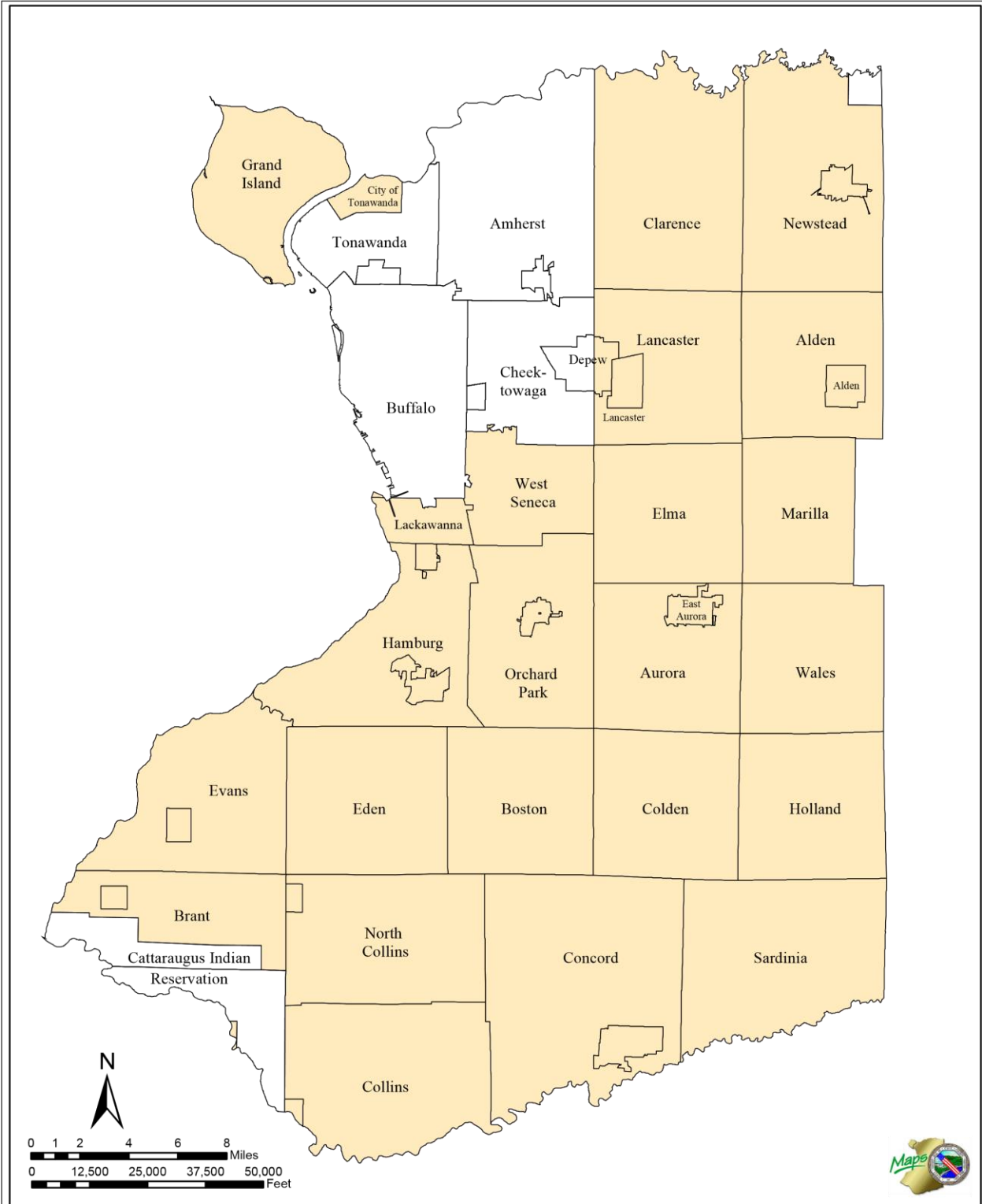
or

Via USPS: Erie County Dept. of Environment & Planning, Room 1014
95 Franklin Street
Buffalo, NY 14202

ATTACHMENT A

**ERIE COUNTY/TOWN OF HAMBURG
HOME CONSORTIUM**



MAP OF ELIGIBLE AREAS



Map Prepared by the Erie County
 Department of Environment & Planning
 Office of GIS, January 2016

Basemap Copyrighted by the
 New York State Department of Transportation

Erie County, New York
HOME Consortium
 Map 2

	Not a Member of the Consortium
	Member of the Consortium

ATTACHMENT B

QUALIFYING POPULATIONS AS PER HUD CPD NOTICE 21-10

QUALIFYING POPULATIONS

1. Homeless, as defined in 24 CFR 91.5 Homeless (A), (B), or (C):

A. 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

(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;

B. 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;

C. 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:

A. 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:
 1. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 2. Is living in the home of another because of economic hardship;
 3. 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;
 4. 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;
 5. 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;
 6. 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
 7. 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;

B. 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

C. 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 Notice CPD-21-10

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.

4. Other Populations

‘Other Populations’ included with eligible qualifying populations include households earning no greater than 50% AMI and those that exhibit characteristics associated with instability and an increased risk of homelessness, such as previous history of homelessness, imminent risk of eviction, and/or:

- i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- ii. Is living in the home of another because of economic hardship;
- iii. 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;
- iv. 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;
- v. 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;
- vi. 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; and
- vii. Is high to severe rental housing cost burdened (paying 30%-50% of gross household income on housing expenses)