

JEFFERSON COUNTY COMMISSION



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COMMISSIONER SHEILA TYSON
Chairman, Community Development & Human
Resources Services Committee

Department of Community Services
Dr. Frederick L. Hamilton, CECD/EDFP, Director
Suite A-430
716 Richard Arrington, Jr. Blvd. North
Birmingham, Alabama 35203-0115
Telephone (205) 325-5761
Fax (205) 325-5095

November 18, 2022

RE: Request for Proposals
Rental Housing (HOME-ARP)

Proposing Firms:

Jefferson County is a Participating Jurisdiction and receives federal funding from the United States Department of Housing and Urban Development (HUD) to address the housing needs of low- and moderate-income residents of the Jefferson County Community Development Consortium. Funds for these programs may be spent anywhere in the Jefferson County Community Development Consortium, which consists of all of Jefferson County outside of the cities of Birmingham, Bessemer, Sumiton, and Helena.

The American Rescue Plan (ARP), enacted on March 11, 2021, provides \$5 billion to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through HUD's HOME Investment Partnerships Program (HOME).

On April 8, 2021, HUD allocated HOME-ARP funds to 651 grantees using the HOME formula established at 24 CFR 92.50 and 92.60. The HOME-ARP regulatory requirements were released by HUD in CPD Notice 21-10, on September 13, 2021. Jefferson County, Alabama was allocated \$3,597,411 in HOME-ARP grant funding on September 24, 2021.

Jefferson County, Alabama developed this HOME-ARP Allocation Plan (HOME-ARP Allocation Plan) in accordance with The HOME American Rescue Plan and CPD Notice 21-10 to utilize HOME-ARP funds for eligible activities benefiting Qualifying Populations (QPs) in a manner which is most efficient and effective for Jefferson County, Alabama.

This HOME-ARP Allocation Plan applies only to the Jefferson County HOME-ARP funding and does not modify Jefferson County's HOME funding for any prior or subsequent year. To the extent any provision of this HOME-ARP Allocation Plan applies only to a specified period, that provision affects the HOME- ARP Allocation Plan only for the period specified. Except to the extent expressly amended by this HOME-ARP Allocation Plan, all provisions of HOME funding remain in full force effect.

Jefferson County, Alabama will utilize HOME-ARP funds to fund competitive applications until all HOME- ARP funds are awarded for the development of new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) of affordable rental housing units and fund Operating and Replacement Reserve Accounts for the benefit of HOME-ARP Qualifying Populations. All new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) rental housing will be required to meet AHFA's current Design Quality Standards and Construction Manual. Jefferson County, Alabama may consider Housing Credits, HOME, and/or National Housing Trust Fund Allocations in combination with HOME-ARP funds to maximize the number of units produced and strengthen the financial feasibility of affordable rental projects.

Each application must consist of the following primary team members: An owner/developer with extensive construction/development and affordable housing experience; an experienced representative non-profit or other entity representing or advocating for the needs of a specific qualifying population group, and an experienced supportive services entity/provider for the ongoing support of the designated qualifying population group.

In addition, the primary team members must evidence a clearly defined management plan from the initial application submittal throughout the life of the project. Specifically, the primary team must submit a detailed plan which includes/identifies all or key members of the project's development, management, and services teams and provide supporting documentation regarding team members' experience, capacity, roles, responsibilities, and other information deemed necessary to successfully execute the development, manage the property, and serve the QP beneficiaries for the duration of the compliance period(s). All members of the HOME-ARP project team must be identified in the application and applicable service agreement(s) and/or Memorandum(s) of Understanding (MOUs) evidenced.

The complete RFP is enclosed and may also be viewed on the Jefferson County Department of Community Services website at <https://www.jccal.org/Default.asp?ID=1255&pg=Requests+for+Proposals%2FQualificati>

ons. To receive a complete copy of the RFP via email, please contact Ms. Cheryl Collier at collierc@jccal.org. Copies of the complete RFP can also be picked up at the following address:

Jefferson County Department of Community Services
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203

Sealed proposals must be submitted to the Department of Community Services (in-hand) by no later than **5:00 P.M. on January 31, 2023**.

I appreciate your time and effort in responding to this proposal and look forward to working with you in the future.

Should you have any questions pertaining to this RFP or need any clarification, please contact Ms. Lynn McKinley Smith, Mr. Nathan Salter, or Ms. Cheryl Collier of the Department of Community Services at (205) 325-5761.

Sincerely,

A handwritten signature in black ink that reads "Frederick L. Hamilton". The signature is written in a cursive style with a large, stylized 'F' and 'H'.

Frederick L. Hamilton

Enclosure



JEFFERSON COUNTY, ALABAMA

REQUEST FOR PROPOSALS

BY THE

**DEPARTMENT
OF
COMMUNITY SERVICES**

**Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203**

**DEVELOPMENT OF
RENTAL HOUSING
(HOME-ARP)**

November 18, 2022



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PURPOSE OF REQUEST FOR PROPOSALS

Jefferson County is a Participating Jurisdiction and receives federal funding from the United States Department of Housing and Urban Development (HUD) through the HOME Investment Partnership Program which was created by the United States Government under Title II of the Cranston-Gonzales National Affordable Housing Act as described in the Catalogue of Financial Domestic Assistance C.F.D.A. #14.239 to address the housing needs of low and moderate income residents of the Jefferson County Community Development Consortium. Funds for these programs may be spent anywhere in the Jefferson County Community Development Consortium, which consists of all of Jefferson County outside of the cities of Birmingham, Bessemer, Sumiton, and Helena. A limited amount of Community Development Block Grant (CDBG) funding may also become available for eligible project costs and may be awarded on a case-by-case basis.

The American Rescue Plan (ARP), enacted on March 11, 2021, provides \$5 billion to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will be administered through HUD's HOME Investment Partnerships Program (HOME).

On April 8, 2021, HUD allocated HOME-ARP funds to 651 grantees using the HOME formula established at 24 CFR 92.50 and 92.60. The HOME-ARP regulatory requirements were released by HUD in CPD Notice 21-10, on September 13, 2021. Jefferson County, Alabama was allocated \$3,597,411 in HOME-ARP grant funding on September 24, 2021.

Housing should specifically address such areas as security and accessibility while being in areas where there is a clear and recognizable shortfall of such housing. Such housing should further be convenient to shopping, entertainment and medical services.

Jefferson County, Alabama will not give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project.

Additionally, Jefferson County, Alabama will not identify a preference or use a preference or method of prioritization to address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the PJ's needs

Last, Jefferson County, Alabama will not identify a preference(s) to address the unmet needs or gaps in benefits and services of the other qualifying populations

that are not included in the preference.

APPLICATION REQUIREMENTS AND DEADLINES

One (1) original (so marked) and one (1) copy of each application must be submitted in separate three-ring binders and tabbed and numbered as indicated. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

AHFA forms with the requested information are acceptable.

A \$1,500 non-refundable fee must accompany the application. *The fee must be in the form of a check (no cash accepted). If the application fee is returned due to insufficient funds, the application will terminate. Regardless of the funding decisions, the application fee is non-refundable.* The fee will be waived for non-profit owner/developers receiving U.S. Department of Housing and Urban Development's Continuum of Care funding through One Roof, the local homeless continuum of care, for 30 or more permanent supportive housing beds.

Sealed proposals must be submitted to the Department of Community Services (in-hand) at the below address by no later than **5:00 P.M. on January 31, 2023**. Please clearly mark "Proposal For Rental Housing Development (HOME-ARP)."

Submit proposals to the address below:

Jefferson County Department of Community Services
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, AL 35203

All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to Lynn McKinley Smith, Nathan Salter, or Cheryl Collier at (205) 325-5761.

SERVICE AREA

The Service Area for this Agreement is the Jefferson County Community Development Consortium which consists of all of Jefferson County outside of the cities of Birmingham, Bessemer, Sumiton, and Helena.

FUNDING CONTINGENCIES

All funding is contingent upon an Environmental Review; HUD approval of the Jefferson County, Alabama HOME ARP Allocation Plan (PY 2022) and any required amendments to previous Plans; a Release of Funds from HUD; and the approval of the Jefferson County Commission.

Funding of Proposals will further be contingent upon receipt of federal HOME-ARP funds from the U.S. Department of Housing & Urban Development (HUD). Should Jefferson County's HOME-ARP allocation be reduced or eliminated, no claim may be made against the Jefferson County General Fund or other resources regardless of the

status of the proposal(s) or issuance by the County of a Preliminary Award Letter(s) for HOME-ARP funding. As a Participating Jurisdiction, Jefferson County is responsible for the administration of the HOME-ARP Program under federal HOME regulations and HUD requirements. It is the intent that this RFP be issued and proposals underwritten in compliance with said regulations and requirements. Should the regulations and requirements change at any time, the County reserves the right to alter its Program to ensure compliance up to and including terminating any Preliminary Award issued if the project does not meet new HOME-ARP regulations and/or HUD requirements. The County, its elected officials, employees and agents shall not be held responsible or liable for any losses incurred from claims, suits, damages, and costs and expenses of any kind or of any nature that any Proposing Firm may suffer, incur or pay arising out of decisions by the County concerning any proposal, application, loan decision(s), or action(s) associated with the administration of the HOME-ARP Program.

GOOD STANDING

No loan application will be processed for any borrower or related entity which is not in good standing with the Jefferson County Commission, the Alabama Housing Finance Authority or any other state housing finance authority, the Alabama Department of Economic and Community Affairs (ADECA), the U.S. Department of Housing and Urban Development or the USDA Office of Rural Development. An applicant can be denied consideration for funding if the applicant or its related parties have a history of default or non-performance under any agreement, payment delinquencies, bankruptcy, foreclosure or activities determined to be unsound or unlawful.

NUMBER OF UNITS

Although there is no maximum, the number of units proposed must be substantiated by a market study, appropriate for the site size and conditions, and meet financing and underwriting criteria. The minimum number of units is six (6). The number of *HOME-assisted units* in the development shall be based upon the total Jefferson County HOME award including all County project costs *plus* any AHFA HOME funds not to exceed the current HOME Program per-unit limits.

AVAILABLE FUNDING AND LIMITATIONS PER UNIT

Jefferson County may make a *preliminary award* in compliance with the *HOME-ARP Appendix – Waivers and Alternative Requirements, September 8, 2021* and *HOME-ARP Appendix – Revised Waivers and Alternative Requirements, October 31, 2022* to a Non-Profit Developer (501(c)(3))/For-Profit Developer of up to \$3,057,799.35. Additional HOME funds that become available may also be awarded as needed to the selected project as they become available pending HUD approval of any required amendments to Jefferson County's Annual Action Plans.

The HOME-ARP investment may not exceed HOME maximum per unit subsidy limits including project soft costs incurred by Jefferson County *plus* any State HOME funds committed to the project (if applicable). The County will provide HOME funds in a form consistent with 24 CFR 92.205(b)(1) as a loan to the entity that owns the property. No grants or equity investments will be awarded and funding commitments are not transferable. A limited amount of Community Development Block Grant (CDBG) funding may also become available for eligible project costs when requested in writing

and may be awarded on a case-by-case basis.

LOAN TERM

The County HOME loan must be for a minimum term of 15 years for new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) and 15 years for rehabilitation. The County will not subordinate to any loan with a term less than that of the County loan.

FEES

- Application Fee: \$1,500.00. The fee will be waived for non-profit owner/developers receiving U.S. Department of Housing and Urban Development's Continuum of Care funding through One Roof, the local homeless continuum of care, for 30 or more permanent supportive housing beds.
- Annual Compliance Monitoring Fee: \$40.00 per unit during the Affordability Period (must be included as a line item in pro forma).
- Loan Closing Costs: The borrower is responsible for all closing costs incurred in connection with any HOME-ARP Program loan(s), inclusive of all Jefferson County-appointed attorney's costs.
- Any costs incurred in the preparation of any proposal is at the applicant's own risk.

RENT AND INCOME RESTRICTIONS

To qualify as affordable housing, HOME-ARP units must be rented only to eligible qualifying households as defined in the HOME-ARP Notice or to low-income households (80% of Area Median Income (AMI)). Rents are limited to the Low HOME Rents (qualifying populations) and the High HOME Rents (80% AMI tenants) unless the unit receives federal or state project-based rental subsidy and the very low-income family pays as a contribution toward rent not more than 30 percent of the family's adjusted income, then the maximum rent (i.e., tenant contribution plus project-based rental subsidy) is the rent allowable under the federal or state project-based rental subsidy program. Please note that HUD sets rent and income limits annually and are subject to change. The rent limits will be stipulated in the development agreement. Income limits in effect at lease-up shall apply. Jefferson County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

Current HOME income limits for the Birmingham-Hoover MSA are available at https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_AL_2022.pdf

Current HOME rent limits for the Birmingham-Hoover MSA are available at https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_AL_2022.pdf

HOME-ARP rules require that not more than, 30% of rental units may be occupied and affordable to qualified tenants based solely on their income being at or below 80% of Median Household Income as defined by HUD. HOME-ARP rules require that not less than 70% of units must be occupied and affordable to qualified tenants of qualifying populations as defined by HUD. Additional points will be awarded for rent affordability and/or rental subsidies. Project must remain compliant throughout the applicable HOME-ARP Period of Affordability. Additional points will be awarded for projects that

commit in writing to an extended compliance period beyond the minimum required by HUD regulations.

UTILITY ALLOWANCE CALCULATION

Applicants must provide a utility allowance (UA) calculation for each bedroom size in the development. The UA must be based on an energy and water and sewage consumption and analysis model (Energy Consumption Model (Engineer Model) (26 CFR 1.42-10(b)(4)(E)) prepared by a properly licensed engineer or a qualified professional that is independent from the developer and property owner and they must specify the building factors that must be included in the model. This UA calculation will be required annually throughout the HOME-ARP Period of Affordability. The County may at its sole option accept a LIHTC Agency Estimate (26 CFR 1.42-10(b)(4)(C)) from AHFA during the Period of Affordability if applicable.

HOME-ARP PROGRAM PERIOD OF AFFORDABILITY - ENFORCEMENT

Projects funded under the HOME-ARP Program are subject to a compliance period of up to 15 years known as the Period of Affordability (see 24 C.F.R. 92.252). Failure to comply with all HOME-ARP requirements during this time shall be a condition of default under the loan documents executed at closing. In addition, Jefferson County requires that a Declaration of Restrictive Covenants be filed in Probate Court. The County's HOME-ARP declaration must be recorded senior to all financing liens and junior only to the AHFA LIHTC restrictions, as applicable. *Applicants must ensure proposed lenders will agree to the recording order and structure of the declaration such that HOME-ARP restrictions will be binding upon future owners following any foreclosure.*

UNDERWRITING ASSUMPTIONS:

- Vacancy: 7%
- Rent Increase: 2%
- Operating Expenses Increase: 3%
- Minimum Debt Coverage Ratio (DCR) over the 20-year pro forma analysis: 1.20:1
- Average Cash Flow as percentage of projected operating expenses over the 20-year pro forma analysis shall generally not exceed 10%
- Replacement Reserve Requirement: \$250/unit for 20 years
- Operating Expenses Per Unit (including reserves): Maximum of **\$4,700.00**
- Monitoring Fee: \$40/unit annually

RELOCATION OF OWNERS, TENANTS OR BUSINESSES

Relocation is not permitted except in case of reconstruction, renovation, or rehabilitation of existing units. All relocation plans must be in adherence with the Uniform Relocation Act and plans, documents, etc. must be submitted and approved in advance of implementation by the developer. Developer will be wholly responsible for implementation, documentation, and compliance, subject to Jefferson County's written approval, if relocation is undertaken. The developer must agree to indemnify, hold harmless, and defend the COUNTY, from and against any and all liability from loss, damage or expenses which the COUNTY, may suffer or for which the COUNTY may be held liable by reason of the developers relocation connected with the proposed development. The HOME-ARP Policy Brief regarding URA and Section 104(d) is

located:

<https://www.hudexchange.info/resource/6603/home-arp-ura-section-104d-policy-brief/>

MBE/WBE PARTICIPATION

Firms are encouraged to utilize the skills and services of minority businesses in the fulfillment of the contractual responsibilities pertaining to this project. Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

Jefferson County, in carrying out projects as authorized under the Housing and Community Development Act of 1974 is required under 1365 of Title 24, Housing and Urban Development Act of 1968 to take affirmative action to assure that employable persons and businesses in our project area (Jefferson County) are utilized to the greatest extent feasible with particular emphasis being placed upon the hiring of women and minorities as both employees and where applicable, subcontractors. Jefferson County is sincere in its effort to ensure that both the letter and intent of the regulations are complied with and Jefferson County will monitor firm's efforts in this area.

SECTION 3

Developers must maintain a Section 3 plan that demonstrates a marketing plan to include Section 3 contractors in the development of the project. All contracts and subcontracts must contain the required Section 3 clause. The Section 3 FAQs are located:

<https://www.hud.gov/sites/dfiles/FPM/documents/Section-3-FAQs.pdf>

CODE OF CONDUCT

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

SELECTION CRITERIA

The preliminary funding award(s) resulting from this Request for Proposals shall be determined by a scoring system including, but not necessarily limited to, the factors shown below.

WITHOUT LIMITING ANY OTHER PROVISION OF THIS PLAN, ALL DETERMINATIONS, CALCULATIONS, JUDGMENTS, ASSESSMENTS OR OTHER DECISIONS MADE BY JEFFERSON COUNTY, ALABAMA UNDER

THIS HOME-ARP ALLOCATION PLAN, INCLUDING WITHOUT LIMITATION RELATED APPLICATION INSTRUCTIONS AND THE HOME-ARP ALLOCATION PLAN ITSELF, SHALL BE MADE IN JEFFERSON COUNTY, ALABAMA'S SOLE AND ABSOLUTE DISCRETION.

The point scoring system described in this Exhibit and related provisions of the HOME-ARP Allocation Plan (collectively, the Point Scoring System) will allow Jefferson County, Alabama to award points to projects that best meet the identified housing priorities for Jefferson County, Alabama. The Point Scoring System will rank each project in two sections (Points Gained and Points Lost). The ranking of each project will be determined by taking the Points Gained section and deducting the Points Lost section to get an overall project score. The Point Scoring System will largely determine which projects should be allocated.

In the event of a tie between two or more applications, the projects will be ranked in the following order to determine which application will receive the following priority:

First, the application serving a QP population that has not been previously recommended for approval. Second, the application with the fewest missing documents and incomplete forms as determined by Jefferson County, Alabama during the completeness review.

Third, the application with the highest amount of subsidy funding per unit from sources other than HOME- ARP funds, excluding other Jefferson County, Alabama funding sources.

Jefferson County, Alabama reserves the right to deny an allocation of HOME-ARP funds to any applicant or project, regardless of that applicant's point ranking if, in Jefferson County, Alabama's determination, the applicant's proposed project is not financially feasible or viable. Additionally, Jefferson County, Alabama may recommend that a HOME-ARP allocation be made irrespective of the ranking order established by the Point Scoring System, based on the amount of HOME-ARP funds needed relative to the amount of HOME-ARP funds available for the project to be financially feasible.

Regardless of strict numerical ranking, the Point Scoring System does not operate to vest in an applicant or project any right to a reservation or allocation of HOME-ARP funds in any amount. Jefferson County, Alabama will in all instances reserve and allocate HOME-ARP funds consistent with sound and reasonable judgment, prudent business practices and the exercise of its inherent discretion.

POINTS GAINED

Project Characteristics (Maximum of 108 Points)

Project Construction (Maximum of 38 Points)

Project Amenities (Maximum of 30 Points)

A maximum of 30 points in aggregate will be given to projects that provide extra unit/project amenities. Refer to the application and its instructions for the distinction between an extra amenity and a required amenity. Only the extra amenities listed below will be eligible for points. If a project receives an allocation of HOME-ARP funds and fails to provide any extra amenity in the manner represented in the Application Package, the project and its Responsible Owners will be subject to point penalties and other sanctions.

5 Points will be given for each of the following extra amenities:

- Project Community Building/Community Room/Tenant Service Center (Must have at minimum a kitchen (with refrigerator/freezer, cabinets, and a sink with counter space), community meeting room (with seating and activity areas commensurate to total number of units) and restrooms.

Note: If project is solely financed by HOME-ARP funds, the Community Building/Community Room/Tenant Service Center must have a Qualifying Population unit attached.

- Exterior Project Security Package Must include, at a minimum, the following:
 - Alarm (sound and/or third-party monitored) system at the clubhouse/community building, resident manager's office, and laundry.
 - Camera/Video monitoring system to provide visibility of all pedestrian and vehicular traffic of all main Project entry

and exit points, parking lot and Project amenities.

- Lighting of all project amenities, parking lot(s), and all Project entry and exit points.
- Unit Security Package (Each unit must have an alarm on all entry doors and windows)
- Storm Shelter (Must meet the International Code Council National Storm Shelter Association Standard for the Design and Construction of Storm Shelters (ICC-500 August 2008) Standards)
- Outdoor Fitness Activity Area (Must provide 3 separate types of commercial grade outdoor fitness equipment with a minimum of 3 exercise activities. An instructional sign on the usage of fitness equipment must be located by each type of fitness equipment)

4 Points will be given for each of the following extra amenities:

- Covered bus stop shelter (minimum 6' wide by 12' long) with 2 fixed bench seating underneath same cover (Must be separate/independent of the mail kiosk unless location allows for proper access of bus to pick-up and drop off)
- Access Gate (Must be on all entry points of project if more than one)
- Walking Trail with Benches (5 feet wide concrete and minimum of ¼ of mile long) (Must be separate from required sidewalks)
- Playground (Must provide commercial grade playground equipment with a minimum of 3 play activities)

3 Points will be given for each of the following extra amenities:

- Storm doors (Must be aluminum construction)
- Emergency Pull Cord/Call Button (Minimum of 1 in each unit)
- Attached bike rack (1 per building including the community building) (Rack must be permanently installed on concrete in such a way that sidewalk traffic is not impeded)

Type of Construction (Maximum of 8 Points)

4 points will be given for storm windows; thermal break insulated windows or extruded vinyl windows and insulated exterior doors. Windows must be Energy Star Rated.

4 points will be given for full brick/cementitious siding, stucco, cultured stone or concrete masonry unit (CMU) products (No Exterior Insulation Finishing System is acceptable).

Multifamily units (two or more units in a building)

A minimum of 40% of each building, defined as the exterior façade from finished grade elevation to eave line, shall be brick. The remaining 60% can be cementitious siding, stucco, or CMU products. The CMU products must be decorative, textured, patterned, color core, or painted.

All entry areas into the apartment (including covered breezeways, porches, balconies, and patios) must have brick, cementitious siding, stucco, cultured stone, or CMU to be considered full brick.

Single-family units (single unit/detached building)

A minimum of 50% of the building, defined as the exterior façade from finished grade elevation to eave line, shall be brick. Each exterior wall must contain brick up to the bottom of the first-floor windows on a two-story unit or the windowsill of a one-story unit. The remaining 50% can be cementitious siding, stucco, cultured stone, or CMU products. The CMU products must be decorative, textured, patterned, color core, or painted.

Energy/Water Conservation and Healthy Living Environment (Maximum of 10 Points)

3 Points will be given for each of the following:

- HVAC of 15 SEER (HSPF 9.0) or above.
- Energy Star rated "cool roof" shingles or metal roof with a fifty (50) year warranty.

2 Points will be given for each of the following:

- Kitchen range hood ventilation to be vented to the exterior and equipped with a damper.
- EPA's Partnership Program "WaterSense" labeled water closet, bathroom faucets and showerheads.

1 Point will be given for each of the following:

- Low Volatile Organic Compounds (VOC) wall finishes (maximum VOC levels of 50 grams/liter).
- Low VOC flooring finishes (maximum VOC levels of 100 grams/liter).
- Energy Star rated LED lighting in the kitchen.

Rent Affordability (Maximum of 10 Points)

New Funds. A maximum of 5 points in aggregate will be given to projects which have a commitment for new funds listed below. Regardless of whether the funds are loaned (required repayment) or granted to the project, 100% of the total amount of funds committed for points must be a permanent source of funds. To qualify for these points, the application must include a fully executed firm commitment from the entity that will loan or grant funds to project. Up to 5 points will be given to projects as follows:

- 5 points – \$10,000+ per unit
- 4 points – \$5,000 – 9,999 per unit
- 3 points – \$2,000 - 4,999 per unit

Rental Assistance. A maximum of 5 points will be given to projects that have a commitment for federal, state, or local project-based and/or voucher(s) for rental assistance so that rents are affordable to ELI families.

Location (Maximum of 20 Points)

Points Gained for Site Selection

Tenant Supportive Services Location (6 Points)

6 points will be given to a project that is located within 5 miles of a supportive service provider for the project's Qualifying Populations.

Neighborhood Services (Maximum of 10 Points)

2 points will be given for each of the following neighborhood services located within 3 miles of the site. Distance will be measured by odometer from the automobile entrance of the proposed project site to the closest automobile entrance to the parking lot of the applicable neighborhood service. Duplicate neighborhood services will not be eligible for additional points. Points will only be given for the neighborhood services listed below. If Jefferson County, Alabama cannot locate a service due to incorrect directions, 1 point will be deducted for each service where incorrect directions are provided. Refer to the Application Site/Project Information Form for instructions on providing directions from site, and a general definition of services eligible for points.

1. Grocery Store
2. Pharmacy or Drug Store
3. Convenience Store
4. Bank or Credit Union
5. Hospital or Doctor Office

Census Tract Location (Maximum of 4 points)

A maximum of 4 points will be given to a project located in a Census Tract where the 2020 Estimate Tract Median Family Income from the Federal Financial Institutions Examination Council (FFIEC) Census and Demographic Data is equal to or higher than the following percentages (rounded down) of the county's 2022 (or most current year) Median Family Income published by HUD:

- 1 point – 70% to less than 80%
- 2 points – 80% to less than 90%
- 3 points – 90% to less than 100%
- 4 points – 100% or more

Points Deducted for Site Selection

Negative Neighborhood Services (No Maximum)

There is not a limit on the number of points that can be deducted for negative neighborhood services. The following deductions will be taken:

- 5 points will be deducted for applications involving any other project that is adjacent to any incompatible use listed below. Adjacent is defined as nearby, but not necessarily touching. The following list of incompatible uses is not all inclusive. (Refer to Negative Neighborhood Services as defined in the Application Instructions):

1. Junk yard or dump
2. Pig or chicken farm
3. Salvage yard
4. Processing plant
5. Wastewater treatment facility
6. Industrial
7. Distribution facility
8. Airport
9. Electrical utility Substation
10. Prison or Jail
11. Railroad
12. Solid waste disposal
13. Adult video/theater/live entertainment

*Please note: Points will not be deducted for properties located adjacent to a railroad if the noise levels are acceptable (outside noise level < 65 dB; interior noise level < 45 dB). The applicant must submit a noise level assessment with the application for points not to be deducted automatically.

If a project is not adjacent to one of the above incompatible uses, the following deductions will be taken:

2 points will be deducted for applications involving any other project that is within .3 miles of any incompatible use listed below. The list is not all inclusive:

1. Junk yard or dump
2. Pig or chicken farm
3. Salvage yard
4. Processing plant
5. Wastewater treatment facility
6. Airport
7. Prison or Jail
8. Solid waste disposal

Points will not be deducted for a prison, jail, or detainment facility if it is co-located with a police station or similar law enforcement office.

Accessibility (Maximum of 2 points Deducted)

2 points will be deducted if the condition of the streets and sidewalks are unsatisfactory. The width of the streets and the difficulty of access to the proposed site will be taken into consideration.

Applicant Characteristics (Maximum of 35 Points)

Minority or Women Owned Businesses (Maximum of 10 Points)

10 points will be given to applicants with participation by minority or women owned businesses. To qualify for the points for participation of minorities or women, the application must meet one of the following requirements:

- Minorities or women have ownership in the Ownership Entity or any Responsible Owner; or
- Applicant guarantees at least 20% of the total building cost is awarded to minority- or women-owned businesses.

In all cases, the minority or female individual(s) must serve as the general partner, manager or managing member of the Ownership Entity or Responsible Owner, must have at least a 50% ownership interest in the Ownership Entity or Responsible Owner, or must have at least 50% ownership interest in the participating business to qualify for the points. These businesses include, but are not limited to, real estate firms, construction firms, appraisal firms,

management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services. The name and address of the company and the anticipated contract amount must be listed at the time of application to receive the points. AHFA forms and format are acceptable.

Affordable Rental Housing Owner/Developer (5 Points)

5 points will be given to Ownership Entities with a Responsible Owner that currently owns and has previous successful experience in development in either of the following:

- Active Jefferson County, Alabama Projects that received a HOME Written Agreement in 2000 or later (40+ units or 2+ projects); or
- Active Non-Jefferson County, Alabama Projects that were Placed in Service in 2006 or later. The Ownership Entity must list each Non-Jefferson County, Alabama Project on the Responsible Owner's Schedule of Real Estate Owned. Responsible Owner may include experience gained as a Responsible Owner in another development included in the application (500+ units or 5+ projects). AHFA forms and format are acceptable.

All points relating to Applicant Characteristics will be awarded to the Ownership Entity identified in the application based on the characteristics of (a) for a for-profit Ownership Entity, its Responsible Owners who are individuals, and (b) for non-profit Ownership Entities, the Ownership Entity itself.

Qualifying Population Advocate (5 Points)

5 points will be given to an entity that has an established history for advocating for the specific qualifying population group proposed in the application. To qualify for the points the entity must be a Responsible Owner in the Ownership Entity proposed in the application. An affordable rental housing owner/developer may also qualify for these points if they have an established history providing for the proposed qualifying population in the application. An entity can qualify based on the experience of its board members and executive staff.

Supportive Services Provider(s) (5 Points)

5 points will be given for having a Supportive Service Provider (Providers) for which their responsibilities are clearly defined and provides ongoing services to Qualifying Population tenants in a HOME-ARP project evidenced by a

Services Agreement or MOU between the Owner and the Provider which is eligible to be renewed annually for the duration of the compliance period of the HOME-ARP project. Providers must serve QP tenants in at least of one the following:

- Child Care
- Family/Independent Living Counselling
- Financial Literacy Counselling
- Food Services
- Job Training/Counselling
- Mental Health Services/Counselling
- Occupational Therapy
- Rehabilitation/Physical Therapy
- Substance Recovery/Counselling
- Transportation Services

Affordable Rental Housing Management (10 points)

10 points will be given to an applicant with an experienced managing agent of HOME funded low -income multifamily housing. This experience is defined by the highest number of units or projects (with at least 20% of the units being considered low- income) currently managed. Only those units in projects that are considered HOME funded low-income units will be counted in this total.

- 10 points = (100+ units or 2+ projects)

BONUS POINTS

10 points will be given to an applicant with an experienced public housing authority included as part of the application.

POINTS LOST (No Maximum)

In addition to the points gained, each application submitted by an Ownership Entity may be subject to point deductions. Point deductions resulting from each existing Jefferson County, Alabama-Project (approved and/or Placed in

Service) will be based on Jefferson County, Alabama's HOME-ARP Allocation Plan for the applicable year and will cover all non-compliance with Jefferson County, Alabama documents, executed agreements, audits and inspections that is identified during the period from January 1st through December 31st of the year immediately preceding the current HOME-ARP Allocation Plan year. Point deductions for non-compliance identified between January 1st and December 31st of each year will consider whether the Ownership Entity or other Responsible Owner completes corrective actions, follow up inspections or other verification of compliance within the deadline required by Jefferson County, Alabama, even if the deadline falls after December 31st of such year. Points lost will be assessed based on the following criteria:

Existing Jefferson County, Alabama- Project(s) Approved and/or Placed-In-Service (No Maximum)

- 1) 5 points (for each occurrence) will be deducted from an application if any Responsible Owner of the Ownership Entity altered an approved project in any manner different from the approved project's original application without prior written consent from Jefferson County, Alabama.
- 2) 5 points (for each occurrence) will be deducted from an application if any Responsible Owner of the Ownership Entity or the Management Company identified in the application is not in compliance with and/or has any uncured failure to meet a requirement specifically listed in any Jefferson County, Alabama document(s), the Jefferson County, Alabama HOME Loan or any applicable agreement(s) without prior written consent from Jefferson County, Alabama.
- 3) 2 points (for each occurrence) will be deducted from an application if any Responsible Owner of the Ownership Entity or the Management Company identified in the application for any of the following with respect to Davis Bacon requirements on any Jefferson County, Alabama- Project (approved and/ or Placed in Service):
 - No response on outstanding issues for over 6 months
 - The general contractor is unable to submit payrolls, causing an escrow account to be established
 - Outstanding issues remain over 2 years from the date of the notice to proceed
 - Failure to provide Jefferson County, Alabama the Section 3 report on the required date

- Failure to provide Jefferson County the HUD 2516 report on the required date

Non-Compliance after the Initial On-Site Inspection (No Maximum)

Applications are subject to point deductions for failure to comply with previous agreements and regulations as found in monitoring on previous projects.

Applications with Responsible Owners that have non-Jefferson County, Alabama Projects, whether in the State and/or out-of-State, will be subject to the same Jefferson County, Alabama requirements.

BASIC MINIMUM REQUIREMENTS

The Jefferson County Department of Community Services requires that developers submitting proposals do so in the manner prescribed below. This information should substantiate the capacity and ability of the developers to provide financing, marketing and the management capacity for affordable Rental Housing for qualifying citizens. It is also important to list projects completed of a similar nature that demonstrate this capability. Priority will be given to proposals submitted by developers who have a strong history of successfully completing and managing affordable rental housing. Rental developments must be under common ownership, deed, and financing.

Any proposal submitted without all of the information requested below will be considered incomplete and non-responsive. Additional time may be granted for submission of reports prepared by third parties (i.e. Phase I, Market Study, etc.) if requested in writing at time of submission. The County reserves the right to set a final date to accept such reports at a later date to allow time for processing.

This list may not be all inclusive. Additional documentation may be required.

All exhibits must be no more than 6 months old. All third party reports must state that they are prepared for or may be relied upon by Jefferson County, Alabama.

One (1) original (so marked) and one (1) copy of each application must be submitted in separate three-ring binders and organized as requested below. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

Submit all of the information listed below in the proposal binder with tabs A through F with each exhibit numbered within each tab as listed below:

TAB-A: PROJECT DESCRIPTION

1. An Executive Summary should contain a brief synopsis of the proposed development and contain:

- a. qualifying populations to be served;
 - b. number of units;
 - c. location;
 - d. rents including utility allowances
 - e. project costs;
 - f. proposed financing;
 - g. qualifying HOME match or program income amounts and sources;
 - h. frontal elevation and floor plan or photos of similar existing units;
 - i. site map;
 - j. tax map with site and Parcel ID# marked;
 - k. proposed site plan;
 - l. security arrangements;
 - m. amenities
 - n. accessibility/adaptability provisions; and
 - o. printout with Census Tract # and percent of minority population.
2. Rental housing applicants whose projects rely on the award of LIHTC must also submit one (1) printed and one (1) electronic copy of their completed AHFA application, including all attachments, no later than 10 business days after the AHFA application deadline.
 3. Applicants that intend to apply for AHFA Low Income Housing Tax Credits must self-score their AFHA application and submit the results. List any AHFA selection preferences.

TAB-B: DEVELOPER CAPACITY

1. Provide names, addresses, resumes, professional certifications/licenses, and DUNS Numbers of all members of the development team. List development team member(s) responsible for day-to-day project management through permanent loan closing and completion of lease-up. Provide references that the County may contact to verify experience.
2. Disclose any identity of interest and provide details of the relationship(s).
3. Provide resume of corporate experience in the development, marketing and management of similar type projects. If you propose to use a third-party management company, please specify. Information should include a list of projects owned, developed and/or rehabilitated and managed, their locations and number of units.
4. Non-profits must provide proof of IRS 501 (c) (3) Status.
5. Provide proof that members of the development team are registered with the System for Award Management (SAM).
6. Provide copies of all proposed organizational documents of all the entities involved in the project including Articles of Incorporation and Partnership

Agreements.

7. Provide current financial statements for developer and any guarantor(s).
8. Most recent corporate audit or reviewed financial statement.
9. Most recent tax return for developer (990s for non-profit developers).

TAB-C: FINANCIAL

1. Sources and Uses of Funds [Please note that any allocation of HOME funds including all hard, soft and project delivery costs incurred by County plus any investment of State HOME funds, if applicable, cannot exceed 240% of the current HUD Section 234-Condominium Housing basis mortgage limits for Birmingham, Alabama found at <https://www.govinfo.gov/content/pkg/FR-2020-06-04/pdf/2020-12084.pdf> (HUD has not posted the 2021 limits at this time)].
2. Bedroom distribution with proposed rents and Utility Allowance calculation.
3. Twenty (20) year Pro Forma.
4. Letter of Commitment from private lender or other funding source for any construction and permanent financing. Applicants must authorize the Jefferson County Department of Community Services to access the developer's corporate credit report (e.g. Dun & Bradstreet) or personal credit report (e.g. sole proprietors, S-corps, etc.).
5. Detailed construction budget including per unit cost and cost per square foot.
6. Estimate of all project soft cost.

Project Costs: All project costs must be reasonable and customary. The County reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs, including reserves required by County, private lender, investor or AHFA, but excluding the developer fee, developer overhead, or any developer consulting fees.
- Maximum allowed builder General Requirements, Overhead, and Profit are 6%/2%/6%. Projects of 25 units or fewer may aggregate General Requirements, Builder Overhead, and Builder Profit to a maximum of 20% of the constructions contract.

- Architectural fees may not exceed 7% of total project hard costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.

TAB-D: SITE INFORMATION

1. Submit proof of ownership (warranty deed) for the proposed development site or, if you do not have proof of ownership, you must submit proof of site control as evidenced by an option signed by the seller. Because of regulations that impact the varying lengths of the approval process for each property, it is strongly suggested that the applicant (i.) secure, at a minimum, a six (6) month purchase option with an option to renew for an additional six months and (ii.) obtain seller's written agreement not to disturb the site until all environmental issues have been cleared.
 - a. Please Note: Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the County. Developers may enter into option agreements (i.e., exclusive right of the buyer to purchase a property at a specific price within a specified time period without obligation to purchase); or for acquisition of existing single family and multifamily residential buildings, a non-legally binding agreement (that establishes that there is no obligation on the part of the buyer to purchase the property; that acquisition will proceed only if the property is determined environmentally acceptable; and the deposit is a reasonable amount and refundable, or, if not refundable, is a nominal amount of the purchase price).
2. Uniform Relocation Act Voluntary Acquisition/Environmental Review Information Notice to Seller on your letterhead (use language in sample letter attached or request a *Word* version by email). Deliver to Seller **Certified Mail, return receipt requested** noting the date of delivery and include receipt with copy of letter in your application. Please note that withholding information from the seller about the market value of property being purchased for a HUD funded project (as established by the appraisal or other valuation such as the market value as set by the Jefferson County Board of Equalization) violates the URA and will result in termination of your application.

3. Documentation of current property value from tax record or appraisal.
4. Provide proof of infrastructure to support number of units proposed including existing paved road, utilities, etc. Please note that a letter regarding **sewer capacity** from Jefferson County Environmental Services and current sewer map is required prior to funding award. It is recommended that a letter be requested as early in the application process as possible to allow time for processing.
5. Provide map showing proximity to retail and services.
6. Provide evidence of permissive zoning or application for permissive zoning (permissive zoning must be in place prior to award).
7. A copy of the Title Insurance Commitment.
8. Flood Hazard Determination Form (FEMA Form 086-0-32) from a nationally recognized flood data service or from a licensed surveyor that no portion of the property is located within the 100-year flood plain.
9. Phase I Environmental Report (color copy) which must comply in all respects with ASTM E1527-13 and include a complete legal description of the site as well as a letter of reliance in favor of Jefferson County, Alabama Department of Community Services (required for 4 or more units). Further it must comply with AHFA Environmental Policy Requirements found at ahfa.com. IMPORTANT: The search distances for ASTs, USTs, and delisted NPLs required by HUD are more stringent than the default search distances based on ASTM E1527-13 and are required. The NEPA checklist must be completed by the environmental professional and submitted if the development is funded by AHFA.
10. If rehabilitation of existing units, provide documentation of asbestos, lead (pre 1978 construction), radon and mold testing. Provide estimate of remediation, if applicable. If property was not constructed prior to 1978, provide documentation of construction date.

TAB-E: MARKETING AND LEASING

1. Market Study conducted by an independent third-party market analyst for projects containing units restricted for occupancy by low-income households or market-rate households as opposed to qualifying populations. A market analyst must be selected from the list accepted by the Alabama Housing Finance Authority for the 2022 application cycle found at www.ahfa.com. Other evidence of demand may also be submitted including applications/waiting lists from similar projects in the area and/or documentation of voucher/rental assistance availability. For HOME-ARP units for qualifying households, a market assessment is not required.
2. Waiting list of interested tenants, if applicable.

3. Documentation of project-based rental assistance, if applicable.
4. Fair Housing and Affirmative Marketing Plan (HUD Form 935.2A found at <http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>).
5. List of tenant services/activities

TAB-F: COMPLIANCE LETTER AND CERTIFICATIONS (See Appendix B):

1. Provide letter stating that all information included in the proposal is true and accurate to the best of your knowledge and may be relied upon by the Jefferson County Commission in funding decisions. The letter must also state that the applicant agrees to comply with all of the provisions of the HOME Program.
2. Certification Regarding Act 2016-312 Prohibition Against Boycotting.
3. Administrative Order of the Jefferson County Commission 08-4.
4. Equal Opportunity Certification For.
5. Certification Regarding Conflict of Interest.
6. Certification Regarding Debarment, Suspension and Other Responsibility Matters (to be completed by Owner, Developer, General Contractor and Subcontractors if identified).
7. Certification Regarding Displacement, Relocation & Acquisition.
8. Certification Regarding Prohibition of the Use of HOME Funds for Lobbying & Bribes.
9. Certification Regarding Affirmative Marketing Procedures.

MINIMUM DEVELOPMENT REQUIREMENTS

1. Construction must meet all local codes including the 2018 International Building Code, 2018 International Residential Code and the 2018 International Energy Conservation Code with amendments as adopted by the Jefferson County Department of Development Services collectively known as "Building Code of Jefferson County, Alabama, 2018" or the "Code".
 - a. Please note that projects located within a municipal limit may be subject to more stringent codes. Please check with the Inspection Services Department of the city in which the project is located. In all cases, the most stringent code applies.
 - b. In the event that any of the Minimum Development Standards conflict with the Code, the Code shall prevail.
 - c. Any deviations from the Minimum Development Standards may be requested in writing and are subject to approval at the sole discretion of the County.
 - d. Sites/units are subject to inspection by Jefferson County. Plans/specifications/scope of work subject to County approval.
2. Each unit shall have a self-contained kitchen and bathroom. New or remodeled kitchens are to be fully equipped with refrigerator (15CF or larger self-defrosting), self-cleaning oven with attached or detached cook-top.
3. Units must be new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) or rehabilitation of ground level or elevator type units.
4. Units must be new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) and/or rehabilitation of existing units in generally good condition that do not require substantial rehabilitation. Units acquired may not have major structural defects (i.e. foundation problems, water damage, mold, active termite infestation/termite damage, etc.). Units built after 1978 are preferred.
5. Lead-Based Paint -- The use of lead-based paint is strictly prohibited. If a rehabilitated unit was originally placed into service prior to January 1, 1978, rehabilitation must comply with HUD lead-based paint rules (24 CFR Part 35 and 24 CFR Section 570.608). A lead-based paint risk assessment for lead-based paint hazards shall be conducted, and rehabilitation work must be done by contractors meeting the requirements of the HUD rule and the EPA Renovation, Repair and Painting rule.

6. All projects must be designed and constructed/rehabilitated in accordance with the applicable requirements of the 2010 Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Fair Housing Act. The minimum # of units required by Federal, State and local regulations must be fully accessible (certification by project architect required). Units for the sensory impaired are also required under the same regulations. All other newly constructed units must be fully adaptable.
7. New construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) must meet International Energy Conservation Code requirements (certification by project architect required). Extra points will be given to new complexes using Energy Star Appliances or as replacement appliances if needed in rehabilitation project.
8. Complex must have fully equipped laundry room or washer/dryer connections in each unit.
9. Extra points will be awarded for amenities such as common areas (must comply with HOME Program rules to be eligible).
10. Complex overall design should be done with security in mind.
11. Grounds should be fully landscaped with emphasis on low maintenance plants.
12. Complex must be served by ClasTran and/or near public bus route.
13. Complex must be within reasonable access (i.e. ClasTran, public bus route and/or complex van) to shopping, entertainment, education and health services.
14. Permissive zoning or application for permissive zoning (permissive zoning must be in-place prior to award).
15. Site shall be served by public sewer, public water, and public road.
16. Site shall be in a designated Fire District or served by a municipal Fire Department.
17. Permitted Exterior Materials and Finishes:
 - a. Walls : Brick, Stone, Vinyl, Cement Fiberboard;
 - b. Glazing: Glass, Glass Blocks;
 - c. Trim: Metal Clad (enamel finish), Vinyl;
 - d. Roofing: Slate, concrete tile, clay tile, textured asphalt shingles, metal; and
 - e. Foundation: Brick, split-faced block or stucco or slab on grade.
18. Parking Area and Sidewalk Materials:
 - a. Sidewalk(s): Concrete.

b. Parking Area: Concrete.

19. New or replacement hardware for doors: Lever handled.

20. Appliances: Oven/stove, dishwasher and refrigerator (15CF or bigger).

21. Builder must provide one-year warranty for new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) and new appliance manufacturer warranties. Rehabilitation work on existing units must be warranted for one year.

22. Builder must use all new materials for both new construction (or reconstruction of existing affordable housing in compliance with replacement requirements at Section 104(d)) and rehabilitation.

23. Units must be located in Flood Zone X. (Flood Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood.)

24. All multi-family units must be wired for broadband access.

Note: Extra Points: Extra points will be given for low maintenance, energy efficiency, resident storm shelter and amenities.

APPENDIX A

Request for Proposals Advertisement

Legal Advertisement

Request for Proposals (RFP) Rental Housing Development (HOME-ARP)

The Jefferson County Commission receives funds from the United States Department of Housing & Urban Development (HUD) to address the housing needs of lower income residents of the Jefferson County Community Development Consortium. On April 8, 2021, HUD allocated HOME-ARP funds to 651 grantees using the HOME formula established at 24 CFR 92.50 and 92.60. The HOME-ARP regulatory requirements were released by HUD in CPD Notice 21-10, on September 13, 2021. Jefferson County, Alabama was allocated \$3,597,411 in HOME-ARP grant funding on September 24, 2021.

Jefferson County, Alabama, through its Department of Community Services is soliciting Non-Profit (501 (c) (3))/For-Profit Housing Developers to submit proposals for the development of new construction or reconstruction of Rental Housing for the benefit of HOME-ARP Qualifying Populations within the Jefferson County Community Development Consortium which consists of all of Jefferson County outside of the cities of Birmingham and Bessemer, Sumiton, and Helena.

Sealed proposals must be submitted to the Department of Community Services (in-hand) at the below address by no later than **5:00 P.M. on January 31, 2023**. If submitted outside of an RFP period, the County may consider an application based on the availability of funding, or such applications will be reviewed as a part of the County's next Rental Housing RFP process

Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Al. 35203

The complete RFP may be viewed on the Jefferson County Department of Community Services website at <http://jeffconline.jccal.org/comdev/home/Home.html>. Copies of the RFP can be picked up at the above-address or requested via e-mail to Cheryl Collier at collierc@jccal.org. All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to Lynn McKinley Smith (205) 521-7565, Nathan Salter (205) 521-7569, or Cheryl Collier at (205) 325-5761.

| | | |
|------------|------------------------------|----------------|
| Run Dates: | <u>Birmingham News</u> | Next Available |
| | <u>Birmingham Times</u> | Next Available |
| | <u>Latino News (Spanish)</u> | Next Available |

APPENDIX B CERTIFICATIONS

**CERTIFICATION REGARDING
ACT 2016-312 PROHIBITION AGAINST BOYCOTTING**

The undersigned certifies to the Jefferson County Commission through its Department of Community Services that it and its principals are in compliance with **Act 2016-312 Prohibition Against Boycotting** as follows:

Contractor certifies that it is not currently engaged in, and for the duration of this agreement will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state enjoys open trade.

Organization Name

By: _____

Its: _____

Date: _____

Administrative Order of the Jefferson County Commission 08-4

All parties to the Proposal agree that all services rendered under any contract or agreement with Jefferson County, Alabama will be done so without regard to race, creed, color, sex, national origin, religion or handicap and agree to comply with Jefferson County Commission Administrative Order 08-4 as follows:

PURPOSE

To give notice to potential developers/contractors that Jefferson County is an equal opportunity employer in accordance with Title VII, Civil Rights Act of 1964, 42 U.S.C. §§ 1981, 1983, 1986 and amendments, and it is the policy of Jefferson County to require developers, contractors, vendors and suppliers (hereinafter "Developer") providing goods and services to the County to afford equal opportunity for employment to all individuals regardless of race, color, sex, age, religion, national origin, disability or veteran status.

PROCEDURE

The clause set forth below which requires Developers compliance with federal law shall be incorporated in each bid or offer to do business with the County and in all contracts and sub-contracts with the County as follows:

1. The Developer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981, 1983, 1986 and all amendments thereto relative to discriminatory employment practices. The Developer will ensure that qualified applicants are employed, and that said employees are treated fairly during employment, without regard to their race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
2. In the event of the Developer's non-compliance with the equal employment opportunity clause of this Agreement, this Agreement may not be awarded or may be cancelled, terminated or suspended in whole or in part and the Developer may be declared ineligible for further County contracts.
3. The Developer will include the provisions of paragraph (1) in every sub-contract or purchase order.

4. The Developer shall certify to the County its compliance with this policy prior to receipt of any contract or business with the County. The Form "Jefferson County, Alabama Equal Opportunity Certification Form" is incorporated herein by reference.

Organization Name

By: _____

Its: _____

Date: _____

JEFFERSON COUNTY, ALABAMA
EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION FORM

Contractor/Vendor Name: _____

Address: _____

The Contractor acknowledges receipt of Jefferson County's Equal Employment Opportunity Contractor Compliance Administrative Order (attached hereto) and certifies that it is an equal opportunity employer and agrees to the requirements of the Policy and the Equal Employment Opportunity Clause therein. It further certifies that it will require all subcontractors to execute an Equal Employment Opportunity statement and certification of compliance.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or veteran status. The Contractor will ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, age, disability or veteran status. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The Contractor will furnish to the County, upon request, reports, notices, policies and/or information certifying compliance with this policy.

In the event of the Contractor's non-compliance with the equal employment opportunity clause of this contract, this contract may not be awarded or may be cancelled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further County contracts.

Date

Signature

Title

CERTIFICATION REGARDING CONFLICT OF INTEREST

The undersigned certifies to the Jefferson County Commission through its Department of Community Services that it and its principals are in compliance with the Conflict-of-Interest provision of the HOME Investment Partnership Program regulations 24CFR Part 92:

- In the procurement of property and services 24CFR 85.36 and OMB Circular 110 Rules Regarding Conflict of Interest apply.
- In all cases not governed by those rules, conflicts of interest are not permitted. The following applies:

If a person is:

An employee, agent, consultant, officer, elected official or appointed official of a PJ, State recipient or sub recipient of HOME funds,

AND have HOME-related responsibilities or access to inside information.

That person may NOT:

Obtain a financial benefit or interest from any HOME activity for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

Organization Name

By: _____

Its: _____

Date: _____

**DEVELOPERS CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

1. The undersigned certifies to the Jefferson County Commission through its Department of Community Services that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds;
 - (b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more public projects (Federal, State or local) terminated for cause of default.
2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
DISPLACEMENT,
RELOCATION AND ACQUISITION**

The undersigned, hereby, certifies to the Jefferson County Commission through its Department of Community Services that if its application is selected for funding, it and its principals will:

1. Take all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms).
2. Provide relocation assistance at the levels described in, and in accordance with the requirements of 24 CFR part 92 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR Part 24.
3. Advise all displaced persons of their rights under the Fair Housing Act (42 U.S.C. 3601-19).

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
PROHIBITION OF THE USE OF HOME FUNDS
FOR LOBBYING AND BRIBES**

I, _____, the _____

of _____ ("Owner") authorized to act on behalf of Owner certify to the Jefferson County Commission through its Department of Community Services that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Owner, to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement;
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Owner will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (3) The Owner shall require that this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Name

Title

Date

**CERTIFICATIONS REGARDING
AFFIRMATIVE MARKETING PROCEDURES**

The undersigned applicant certifies to the Jefferson County Commission through its Department of Community Services ("the County") that it will continue to further Equal Opportunity and Fair Housing by:

1. Establishing affirmative marketing procedures to be utilized so that no person shall, on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity funded in whole or part with funds made available under Jefferson County's HOME Program.
2. Complying with the requirements of the Fair Housing Act and the Age Discrimination Act of 1975.
3. Displaying the Fair Housing logo on its advertisements for those units and at the leasing or sales office. At a minimum, a Fair Housing poster will be displayed at the leasing or sales office.
4. Submitting in writing to the County its plans to solicit applications from persons in the community who are unlikely to apply without special outreach.
5. Maintaining a list of the characteristics of the tenants renting HOME assisted units and will assess and report annually the results of these efforts to the County.

Signature of Authorized Certifying Official: Title:

Applicant Organization:

Date:

APPENDIX C

URA/Environmental Informational Notice

**URA/Voluntary Sales Disclosure
And Environmental Review Certification**
Organizations/Agencies/Persons **without** Eminent Domain Authority

Environmental Review Certification

Seller acknowledges that federal funds will be used to purchase the property, and that the purchase offer is subject to the completion of the Environmental Review (completed by the Jefferson County Department of Community Services), and clearance in accordance with 24 CFR Part 58 and that the cost of the purchase option is a nominal portion of the purchase price. Seller agrees that they shall not under any circumstances commence (or allow any other party to commence) any choice-limiting activity or other mitigation work at the project without the written permission of the Jefferson County Department of Community Services . Choice-limiting activities include, but are not limited to, acquiring, rehabilitating, converting, leasing, repairing, ground disturbances, or construction.

Owner

Date

Owner

Date

**Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA)
Informational Notice**

Dear _____ (Owner):

Date: _____

(Name of Organization/Agency/Person)_____, is
interested in acquiring property you own at (address)

_____ for a proposed project which may
receive funding assistance from the U.S. Department of Housing and Urban
Development (HUD) under the HOME Investment Partnership Program.

Please be advised that (Name of Organization/Agency/Person)
_____, does not have authority to acquire your
property by eminent domain. In the event an amicable agreement for the purchase of
your property cannot be reached, this proposed acquisition will not be pursued.

The subject property is listed for purchase at \$ _____. (If currently
listed)

- a. It is estimated that the property's market value is \$ _____ based on the proposed sales price listed above. We are prepared to purchase your property; however, depending on the results of the appraisal, our written offer may differ from this amount. We will be informing you prior to closing of the appraised value. If it differs from the amount above, you have the right to withdraw from the transaction.

Or

- b. The Appraisal or Property Valuation indicates the property's market value is \$ _____.

We are prepared to offer \$ _____ to purchase your property. Please contact us at your convenience if you are interested in selling your property. If the property is in default, but foreclosure proceedings have not been initiated/completed, and this offer is for less than the current balance of your loan(s) we suggest that you seek legal counsel or guidance. We cannot provide you with legal advice regarding any tax credit, or deficiency judgment consequences to you related to the sale.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance. A tenant-occupant who moves as a result of a voluntary acquisition of a federally-assisted project may be eligible for relocation assistance as a displaced person. Such displaced persons may include not only current lawful occupants, but also former tenants who were required to move for any reason other than an eviction for cause, in accordance with applicable federal, state, and local law. If your property is currently tenant-occupied or a tenant lawfully occupied your property within the past 3 months prior to our offer, we need to know immediately. Further, you should not order current occupants(s) to move, or fail to renew a lease, in order to sell the property as vacant.

If there is a current tenant, seller acknowledges the buyer's right to notify tenants of URA rights.

Has the property been occupied in the last 90 days? ☐ Yes or ☐ No
If Yes, list all persons that have occupied the property for the 90 days prior to the date on this purchase agreement (include all residential and/or commercial tenants) (Attach additional information to this form if needed):

Name(s) of occupants - Dates of Occupancy -

Mark if either Owner (O) or Tenant (T)

Please explain circumstances surrounding all moves from the property in the last 90 days:

1) _____

2) _____

If you have any questions about this notice or the proposed project, please contact:

Jefferson County Department of Community Services
Suite A-430
716 Richard Arrington Jr Blvd N
Birmingham, AL 35203
(205) 325-5761

If this disclosure is not made prior to or at the time of the purchase offer, the seller has the right to withdraw.

We the undersigned hereby acknowledge receipt of this notice by signing and dating below.

Owner

Date

Owner

Date

