



**CITY OF FORT WORTH
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
1000 THROCKMORTON
FORT WORTH, TX. 76102**

**REQUEST FOR PROPOSAL: CHDO 2010
NOVEMBER 5, 2009**

**CONTACT PERSON:
JANAY TIEKEN, 817.392.7550, OR VIA EMAIL
Janay.Tieken@FortWorthgov.org**

A deferred payment loan will be awarded, which means at the end of the contract term the deferred loan is forgiven, provided the applicant has satisfied all contract conditions.

There is up to \$900,000 in City of Fort Worth CHDO HOME Funds available under this Request for Proposals (RFP). However, additional funds may be allocated at the City's discretion.

Use this application for each proposed project and only if you can meet the following criteria:

- 1) Applicant must be is a City of Fort Worth certified Community Development Housing Organization (CHDO) by November 5, 2009. If you are not a City of Fort Worth certified CHDO by this date, your application will not be considered
 - a. Application for certification must be received by Housing and Economic Development Department, 908 Monroe, Fort Worth, TX. no later than Tuesday, October 13, 2009, 5pm.
 - b. CHDO certification applications can be found online at: www.fortworthgov.org/housing or as Exhibit A.
 - c. CHDOs must be recertified annually.

For more information, please call Janay Tieken at 817-392-7550.

- 2) Must have site control – purchase option (contract) or deed. **Proof of site control must be presented within one business day upon request or RFP will not be considered and will be rejected.**
- 3) Must have summary of project sources of funding, development budget, income, expense & cash Flow proforma. Attach to response to the RFP. If it is not attached, your response will be rejected.
- 4) Site must be zoned for development and/or use consistent with Comprehensive Plan
- 5) Site is not located in a floodplain or has known environmental issues requiring remediation
- 6) May 1, 2010 – By this date all HOME funds received must be spent on eligible expenses

Project must meet the following deadlines:

January 2010 – Environmental Phase I and/or Phase II completed

February 2010 - Elevations and floor plans

March 2010 – Site zone for development

May 1, 2010 – By this date all HOME funds received must be spent on eligible expenses

General Terms:

1) After submitting this Proposal, parties may not spend, commit, or contract to spend any money – either private or public funds – for site work, property acquisition, demolition, rehabilitation of multifamily units, conversion, construction/reconstruction prior to the completion of environmental review and receipt of the Release of Funds from U.S. Department of Housing and Urban Development (HUD). Violation of this provision will result in the denial of funds under this Request for Proposal. If project is chosen for funding, a Notice To Proceed will be sent when the Authorization to Use Grant Funds has been received.

2) Notwithstanding the above, you may begin architectural and engineering services, purchase options and certain pre-development activities only with prior written approval from the City of Fort Worth. Undertaking activities without prior approval will result in the denial of funds under this Request for Proposal. Please note the amount of funding needed for these activities on page 11 so that these funds may be cleared separately.

3) This Request for Proposal (RFP) follows a procedure established by the City, however, because this request is exempt from Chapter 252 of the Texas Local Government Code, the City reserves the right to negotiate a contract after receiving all proposals. The City reserves the right to waive any and all irregularities and award a contract in the best interest of the City.

Any submittals, including all attachments, including rejected submittals, are public information and is subject to the Texas Open Records Act and Federal Freedom of Information Act.

For additional information on this Request for Proposal, please contact Janay Tieken at 817-392-7550 or via email at janay.tieken@fortworthgov.org.

The City of Fort Worth

Affordable Housing Request for Proposals

The City of Fort Worth is looking for innovative affordable housing projects. Projects that integrate into existing neighborhoods and result in the greatest benefit for the community will be rated the highest. For all projects, the highest quality materials and design are required.

Application Process Request for Proposal (RFP) application is required to request financial assistance from HOME program for eligible activities within the City of Fort Worth. Applicants are required to attend <u>one</u> of the following Pre-Proposal Conferences. Failure to attend will result in Proposal rejection: Thursday, October 15, 2009, 10am – noon, in the City Hall Pre-Council Chambers, 1000 Throckmorton (2nd floor), FW, 76102. Friday, October 23, 2009 1-3pm, in the City Hall Pre-Council Chambers, 1000 Throckmorton (2nd floor), FW, 76102. Completed Proposals are due back to the City of Fort Worth, Purchasing Department, 1000 Throckmorton, FW, 76102 (lower level) no later than November 5, 2009, 1:30p.m.	Contract Terms In the event that a funding application is approved, terms of the contract will be negotiated between the City of Fort Worth and the successful proposer. The contract will indicate the amount of funding approved by the City Council, as well as the terms and conditions under which the funds may be expended. All project funding will be disbursed on a reimbursable basis for eligible expenses only. For projects that involve home ownership, clients must be income qualified through the City of Fort Worth Housing Assistance Program (HAP) and will be required to utilize a minimum of \$1,000 in City of Fort Worth Housing Assistance Program (HAP) funds.
Proposal Elements Applicants will be required to provide 12.5% matching funds on HOME funds request. This may be waived at the City's discretion. See page 16 for a definition of acceptable forms of 'Match'.	Permits/Inspections Each individual/organization is responsible for obtaining the appropriate permits, certificates, licenses and approvals which may be required for your project development. City may inspect project upon demand.
Review Process All proposals will be reviewed by the City of Fort Worth Community Development Council (CDC). Information on the CDC is available upon request. Review calendar: • November 11, 2009: Completed RFPs presented to CDC • December 9, 2009: Staff funding recommendations to CDC • December 16, 2009: CDC funding recommendations • Early 2010: Contract to City Council *These timeframes are only guidelines and are subject to change.	Reporting Requirements Each individual/organization is responsible for submitting monthly activity reports which include a summary of activities undertaken and expenditures. Each individual/organization is responsible for submitting an annual audit performed by an Independent Public Accountant (IPA). A current audit for all entities will be required before a contract is executed. Each individual/organization must report all amounts of funding that financially supports the entity.

General Entity Information

Name of Organization: _____

Name of Key Contact Person: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: Primary () _____ Secondary () _____

Email: _____

Ownership Structure and Relevant Partners – Attach a detailed description of how the project will be owned (LLC, Partnership, Corporation) who the relevant partners are (if identified) such as developer, general contractor, architect, lender, etc. Will CHDO operate as Owner, Developer or Sponsor?

Project Location

Address _____

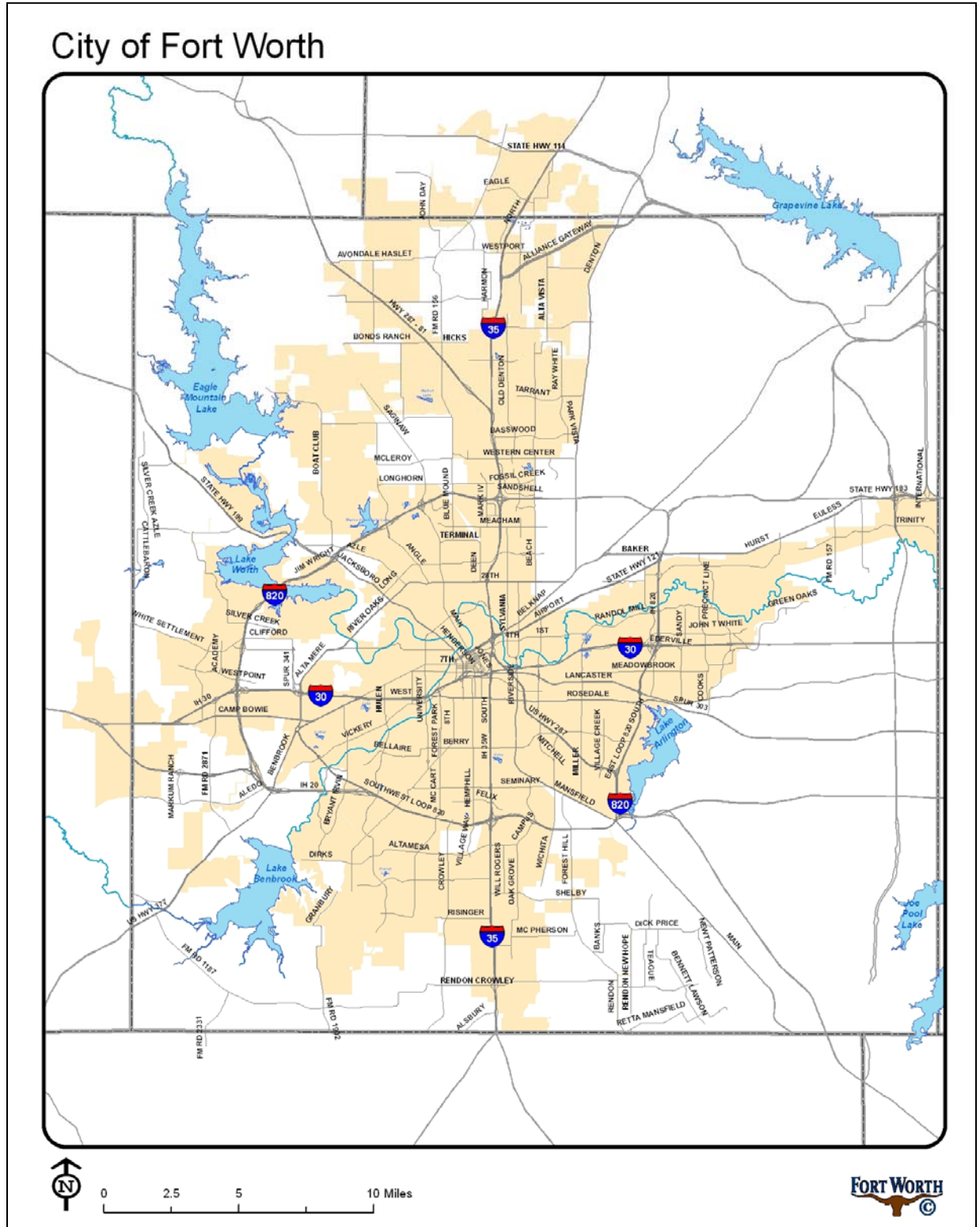
Legal Description _____

Located in “Targeted Development Area” Yes ☐ No ☐
(Map for “Targeted Development Areas” will be available at Pre-Development conferences and as an Addendum.)

Is there existing infrastructure? (ie: water, sewer, streets) Yes ☐ No ☐

THE CITY OF FORT WORTH AFFORDABLE HOUSING REQUEST FOR PROPOSALS
Community Housing Development Organization (CHDO) – Spend May 1, 2010
NOVEMBER 2009

Please identify project location(s) on map below:



Environmental Project Information

1. Vacant Land Yes ☐ No ☐ (If no, please answer questions 2 & 3)

2. Building(s) are vacant: Yes ☐ No ☐

 If no, year building(s) last occupied: _____ Year built _____

 Previous use of building? _____

Does the property or building or property contain lead? Yes ☐ No ☐

Does the building contain asbestos? Yes ☐ No ☐

3. Does this project involve the relocation of tenants? Yes ☐ No ☐

 If yes, number of tenants to be relocated _____

4. Is project located in a flood plain? Yes ☐ No ☐

5. Is project located in a historic district? Yes ☐ No ☐

6. Environmental Phase I completed? Yes ☐ No ☐

7. Environmental Phase II completed? Yes ☐ No ☐

8. Any environmental concerns? Yes ☐ No ☐

If yes, please list _____

In space provided below, briefly describe the Proposed Project (please include neighborhood characteristics, type of project, a brief description of materials being used, support services, amenities, energy efficiency, accessibility).

Additional pages will not be considered.

This image shows a full page of blank, lined paper. It features approximately 28 horizontal black lines spaced evenly across the page, typical of notebook paper. The lines are thin and extend from the left edge to the right edge. There are no margins, text, or other markings on the page.

Project Readiness

	Please ☐ if complete
Organizational Documents (attach)	
Construction Sources and Uses (attach)	
Title Policy or Option to Buy	
Income, Expense & Cash Flow Proforma (attach)	
Evidence of Zoning Compliance (attach)	
Development Budget (see page 11)	
Appraisal – (no more than 12 months old) – Reconstruction/ Rehabilitation	
Market Study	
Soil & Geotechnical Report	
Environmental Phase I and/or II	
Real Estate Tax Information (existing liens & value of property)	
Land Sales Agreement	
Site Plan	
Written Quote from Contractor or Builder	
Plans and Specifications - Explanation of why location & architectural style was chosen, as well as building materials and scope of work. (attach)	
Permits	
Construction Contract	
Architectural Contract	
Engineering Contracts	

Project Timeline

Activity	Begin dd/mm/yyyy	End dd/mm/yyyy
Predevelopment		
Acquisition		
Plans and Specifications		
Funding in Place		
Permitting		
Project Start		
Construction/Reconstruction		
Permanent Financing		
Marketing		
Client Intake & Prequalification		
Lease-up (if applicable)		

Please describe other factors affecting project timing:

Funding Request

Total Project Cost: \$ _____

Total HOME Funds Requested: \$ _____

Predevelopment Funding (CHDOs Only): \$ _____

Operating Funds- \$50K max per yr (CHDOs Only): \$ _____

Project Funds: \$ _____

*** Please note that all funding – except Predevelopment – will made on a reimbursable basis only.**

Development Budget

Use of Funds	Source of Funds			
Predevelopment Cost	HOME \$ (1)	OTHER \$ FUNDS (2)	SOURCES OF OTHER FUNDS (Names)	TOTAL \$ FUNDS (1+2)
1. Market Study				
2. Feasibility (ie: preliminary work write-up, cost estimates, design)				
3. Other _____				
Total Predevelopment Cost (1+2=3)				
Development Cost				
4. Land and/or building acquisition				
5. Site Preparation				
6. Construction Cost				
7. Fence				
8. Landscape				
9. Contingency				
10. Appraisal				
11. Architect & Engineering Fees				
12. Construction Management Fee				
13. Construction Loan Interest				
14. Property Survey				
15. Legal Fees				
16. Real Estate Fees				
17. Utility Hookup/Impact Fees				
18. Title & Recording Fees				
19. Developer Fee				
20. Other _____				
Total Development Cost (Total of items 4 – 20)				
Total Project Cost				

Status of Other Funding Sources

Funding Source	Amount \$ (1)	Proposal Stage (2)	Application Submitted (3)	Approved (4)
Bank Loan (name of Bank)				
Community Development Block Grant				
Other federal funds, specify				
Foundation (name)				
Self-Support ie: fundraising				
Other (specify)				
Total				

Previous Housing Development Experience

Does Applicant have previous housing development experience? Yes ☐ No ☐

If yes, number of units developed within last 5 years _____

Years of experience 0 – 5 ☐ 6 – 10 ☐ 11 - 20 ☐

Location(s) and descriptions of past projects:

Project 1: _____

Project 2: _____

Project 3: _____

Please attach resumes and description of background experience

HOME Participation

Has Applicant previously received HOME funding from any jurisdiction?

Yes ☐ No ☐

Year(s) of Award: _____

Project Name(s): _____

Project Location(s): _____

Project Status: Closed/Complete ☐ Under Construction ☐

Construction Not Yet Started ☐

Income Targeting (See Exhibit B for Area Median Income (AMI) table)

SINGLE FAMILY PROJECTS					
Housing Activity	Total # of Units (All Funding Sources)	For households w income 30% or less of AMI	For households w income 30% - 50% or less of AMI	For households w income 50% - 80% or less of AMI	Special Needs(Indicate Category) E = Elderly M = Mentally Disabled PS = Permanent Supportive PD= Physically Disabled O = Other_____
		# of units	# of units	# of units	# of units
Rehab – Single Family (SF) - Owner					
Rehab – (SF) – Rental (CHDOs only)					
New Construction – SF – Owner					
Other (Specify) _____					
MULTI- FAMILY PROJECTS					
Housing Activity	Total # of Units (All Funding Sources)	For households w income 30% or less of AMI	For households w income 30% - 60% or less of AMI	For households w income 60% - 80% or less of AMI	Special Needs (Indicate Category) E = Elderly M = Mentally Challenged PS = Permanent Supportive PC= Physically Challenged O = Other_____
		# of units	# of units	# of units	# of units
Rehab – Multi-Family (MF)- Rental					
New Construction – MF – Rental					
Other (Specify) _____					

Project Ranking:

Potential projects and developers will be ranked for funding by the following criteria:

Project Location – Proximity to transit, schools, shopping, and existing infrastructure will be ranked higher. Location in a “Targeted Development Area” will receive higher scores. (Map for “Targeted Development Areas” will be available at Pre-Development conferences and as an Addendum) **0 - 25 points max**

Proof of Site Control (if applicable) – can be an option to purchase, purchase and sale agreement, fee title or some other proof that the developer has an exclusive right to the property. **5 points max**

Project Description 0 - 30 points: Projects must meet minimum HOME eligibility requirements and may receive higher scores based on consistency with City of Fort Worth priorities:

- units that are affordable to 50% or less of Area Median Income
- projects containing mixed income units
- geographic dispersion of affordable units
- permanent supportive housing units
- energy efficiency
- accessibility to persons with limited mobility

Project Budgets – Budgets will be evaluated by the committee for accuracy and consistency within accepted ratios for affordable housing development and requirements of funding sources. Projects that maximize private leveraging will receive higher scores. **0 - 20 points max**

Experience/Capacity – Provide examples of affordable housing projects previously completed highlighting success and timeliness of project and ability to meet regulatory requirements. Attach three references in this or other jurisdictions that can be contacted to verify competence of owner and partners. **0 - 10 points max**

Financial Capability – To evaluate financial capacity, please attach 2007 and 2008 IRS form 990 and audits compiled by an independent licensed certified public accountant. **0 - 10 points max**

Submittal Requirements:

Please identify each section and sub-section. All submissions should be on 8.5x11. Please staple in the upper left corner and put in an envelope. Developer will need to submit one original and five (5) copies of the Proposal. Items not requested will not be considered.

Other Requirements:

- a) All Projects must abide by City of Fort Worth M/WBE ordinance.
www.fortworthgov.org/mwbe
- b) All Projects must conform to City of Fort Worth Zoning Ordinance and City of Fort Worth Codes and Building Standards and have no outstanding violations.
- c) Applicants will be required to provide 12.5% matching funds on HOME funds request. However, this requirement may be waived at the City's discretion. Acceptable forms of "Match" include:
 - a. Cash or donated goods and services from a non-federal source
 - b. Value of waived taxes, fees or charges associated with HOME projects
 - c. Value of donated land or real property
 - d. Cost of infrastructure improvements associated with HOME projects
 - e. Value of donated materials, equipment, labor and professional services
 - f. "Sweat" equity
 - g. Direct costs of supportive services provided to residents of HOME projects

- d) Funding source is HUD HOME Investment Partnership Program. The following Federal Regulations apply. Please see Exhibit C HOME regulatory attachment for specific information:

Title VI of Civil Rights Act of 1964 (42 USC 2000d *et seq.*)

Title VIII of Civil Rights Act of 1968 (42 USC 3601 *et seq.*)

Executive Orders 11063 and 11246, as amended by Executive Orders 11375 and 12086 and as supplemented by 41 CFR Part 60.

The Age Discrimination in Employment Act of 1967 (29 USC *et seq.*)

The Age Discrimination Act of 1975 (42 USC 6101 *et seq.*)

Section 504 of the Rehabilitation Act of 1973 (29 USC 794 *et seq.*) and 24 CFR Part 8 where applicable.

National Environmental Policy Act of 1969, as amended, 42 USC 4321 *et seq.* ("NEPA") and the related authorities listed 24 CFR Part 58.

The Clean Air Act, as amended, (42 USC 7401 *et seq.*), the Clean Water Act of 1977, as amended (33 USC 1251 *et seq.*) and the related EPA regulations at 40 CFR Part 15, as amended from time to time, and Executive Order 11738. In no event shall any amount of the assistance provided under this Contract be utilized with respect to a facility that has given rise to a conviction under the Clean Air Act or the Clean Water Act.

Immigration Reform and Control Act of 1986 (8 USC 1101 *et seq.*) specifically including the provisions requiring employer verifications of legal status of its employees.

The Americans with Disabilities Act of 1990, as amended, (42 USC 12101 *et seq.*), the Architectural Barriers Act of 1968, as amended, (42 USC 4151 *et seq.*), and the Uniform Federal Accessibility Standards, 24 CFR Part 40, Appendix A.

HOME Investment Partnerships Act at Title II of the Cranston Gonzales National Affordable Housing Act of 1990, as amended, 42 U.S.C. 12701 *et seq.* ("NAHA").

Drug Free Workplace Act of 1988 (41 USC 701 *et seq.*) and 24 CFR part 23, Subpart F.

Davis-Bacon and related Acts. The Wage and Hour Division of the U.S. Department of Labor determines prevailing wage rates to be paid on federally funded or assisted construction projects may apply.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended may apply.

Regulations at 24 CFR Part 87 related to lobbying, including the requirement that certifications and disclosures be obtained from all covered persons.

Executive Order 12549 and 24 CFR Part 5.105 (c) pertaining to restrictions on participation by ineligible, debarred or suspended persons or entities.

Regulations at 24 CFR Part 882.708 (c) pertaining to site and neighborhood standards for new construction projects.

Selection Committee:

Please Note: Submissions will be ranked by points. Funding recommendations will be made to City Council by the Community Development Council (CDC). The CDC reserves the right to reject any and all applications.

RFP Schedule:

- 1) RFP Posted (October 7, 2009)
- 2) Pre-Submittal Conference: October 15, 2009, 10am – 12:00pm, City Hall Pre-Council Chambers (2nd floor City Hall), 1000 Throckmorton, Fort Worth, TX. 76102
- 3) Pre-Submittal Conference: October 23, 2009, 1-3pm, City Hall Pre-Council Chambers (2nd floor City Hall), 1000 Throckmorton, Fort Worth, TX. 76102
- 4) Proposals due (no later than 1:30 p.m. November 5, 2009) City of Fort Worth Purchasing Department, (Lower Level City Hall) 1000 Throckmorton, Fort Worth, TX. 76102**
- 5) Proposal opening, 2:00 p.m. November 5, 2009, City Council Chambers, 1000 Throckmorton, Fort Worth, TX. 76102

Submittal Deadline:

A written response to the RFP is being solicited. Submittals should be clearly marked "Fort Worth Affordable Housing Development Project". Proposals must be received no later than 1:30 p.m. on November 5, 2009 at the following address:

City of Fort Worth
Purchasing Department
Lower Level
1000 Throckmorton
Fort Worth, TX 76102
Attn: Pam Kenney

Note: Please ensure that proposals are stapled or clipped in envelopes. Late and faxed proposals will be returned. Postmarks and electronic submissions will not be accepted.

Disclosures and Declarations:

Are any of the Board members or employees of the sponsor or affiliate, which will be carrying out this project, or members of their immediate families, or their business associates:

1. Employees of or closely related to employees of the City of Fort Worth Housing and Economic Development Department? Yes ☐ No ☐
 - a. If yes, please provide name and explain _____
2. Members of or closely related to members of the Fort Worth City Council or the Fort Worth Community Development Council? Yes ☐ No ☐
 - a. If yes, please provide name and explain _____
3. Beneficiaries of the program for which funds are requested, either as clients or as paid providers of goods and services. Yes ☐ No ☐
4. The applicant, its affiliates, subsidiaries, and any related organizations, are not delinquent in payment of any federal, state, or local personal or property taxes, have no federal, state or local audit findings that are unresolved, and have not outstanding liens or judgments from the City of Fort Worth. Yes ☐ No ☐

Subsequent to signing this Proposal, parties are prohibited from undertaking or committing any funds (public or private) to physical or choice-limiting actions, including relocation of tenants, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the completion of environmental review and receipt of the Authority to Use Grant Funds from HUD. Violation of this provision may result in the denial of funds under this Request for Proposal. A Notice to Proceed from the City will be issued when the environmental clearance has been received.

I hereby certify that the information contained in this Proposal and its attachments fairly represents the above-named applicant's plans and budget for the project requested for funding. I understand that any misrepresentation shall constitute grounds for rejection of an application or the termination of funding at the discretion of the City of Fort Worth. I agree to provide any additional information for determining eligibility as requested by the City. I acknowledge that I have read and understand the requirements of this Request for Proposal. I certify that I am authorized to sign this Proposal. (Non-profit only: please attach a copy of Board minutes or Resolution authorizing the submission of the application and the person to sign the Contract on behalf of the Board)

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including failure of disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation. I certify this information is true and complete.

Name

Title

Date



Exhibit A
CHDO Application and Checklist



CITY OF FORT WORTH
HOUSING & ECONOMIC DEVELOPMENT DEPARTMENT
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)
CERTIFICATION OF APPLICATION

CERTIFICATION:

I hereby certify that the information provided is true and accurate to the best of my knowledge, and agree to provide additional evidenced to support this application as may be required.

Name of authorized individual (typed) _____

Signature _____ Date _____

Please return to:
City of Fort Worth
Housing & Economic Development Department
Attn: Janay Tieken, Development Project Coordinator
1000 Throckmorton Street
Fort Worth, TX 76102
(817) 392-7550



CITY OF FORT WORTH
HOUSING & ECONOMIC DEVELOPMENT DEPARTMENT
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)

CERTIFICATION REQUEST APPLICATION

Organization_____

Address_____

City_____State_____Zip_____Phone: ()_____Fax ()_____

Executive Director_____

Contact Person (*if different from above*)_____

Please submit the following documentation with your request for certification:

- Copy of the cover letter from the Secretary of State authorizing the organization to operate in Texas;
- Copy of organization's Charter and signed Articles of Incorporation;
- Copy of organization's signed By-laws and any pertinent amendments;
- Board Resolution (if this is not indicated in organizations By-Laws) which outlines the organization's formal process that allows low income residents and program beneficiaries to advise the organization on relevant decisions concerning the siting, development and management of affordable housing;
- Copy of the 501 (c) certificate from the Internal Revenue Service (IRS);
- Notarized list of the board members, including name, home address, occupation, sector represented, title within the organization, and term expiration date;
- Notarized statement by the Chief Financial Officer or from a CPA that the organization's financial system conforms to 24 CFR 84.21 "Standards for Financial Management Systems";
- Resumes or statements describing the experience of accomplished key staff who have successfully completed projects similar to those proposed for assistance with HOME funds; or
- Copies of contract with consultant firms or individuals (who have successfully completed projects similar to those proposed for assistance with HOME funds) to train key staff of the organization;
- A statement that documents at least one year of experience in serving the community; or
- For new organizations, a statement that documents that it's parent organization has at least one year of experience in serving the community;
- Certificate of Good Standing from Texas Comptroller of Public Accounts.

If you require further information or clarification, please call Janay Tieken, (817) 392-7550.

CHDO APPLICATION CHECKLIST

NOTE: Place a check mark by the information to be supplied with this checklist.
Checklist refers to the definition of Community Housing Development Organization (CHDOs) as stated in Subpart A, Section 92.2 of the HOME Rule.

I. LEGAL STATUS

A. The nonprofit organization is organized under State or local laws, as evidenced by:

_____ a Charter, OR
_____ Articles of Incorporation

B. No part of its net earning inure to the benefit of any member, founder, contributor, or individual, as evidenced by:

_____ a Charter, OR
_____ Articles of Incorporation

C. Has a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501 (c) (3) or (4) of the Internal Revenue Code of 1986, as evidenced by:

_____ a 501(c) (3) or (4) Certificate from the IRS

OR

Is classified as a subordinate of a central organization non-profit under section 905 of the Internal Revenue Code, as evidenced by:

_____ a group exemption letter from the IRS that includes the CHDO.

D. Has among its purposes the provision of decent housing that is affordable to low and moderate income people, as evidenced by a statement in the organization's:

_____ Charter,
_____ Articles of Incorporation,
_____ Resolutions, or
_____ by-laws

E. Organization is authorized to operate in the state of Texas:

_____ Yes
_____ No

II. CAPACITY

- A. Conforms to the financial accountability standards that conform to 24 CFR 84.21, “Standards of Financial Management Systems”, as evidenced by:

_____ a notarized statement by the president or chief financial officer of the organization;
_____ a certification form a Certified Public Accountant,
_____ a HUD approved audit summary.

NOTE: A CHDO can not receive assistance under 92.302 (c) (1), organizational support and (c) (2), housing education of the HOME Rule for any fiscal year in an amount that, together with other federal assistance provides more that 50 percent of the organization’s total operating budget in the fiscal year.

- B. Has a demonstrated capacity for carrying out activities assisted with HOME funds, as evidence by:

_____ resumes and/or statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with HOME funds, or

_____ contract(s) with consultant firms or individuals who have housing experience similar to projects to be assisted with HOME funds, to train appropriate key staff of the organization.

- C. Has a history of serving the community within which housing to be assisted with HOME funds is to be located, as evidenced by:

_____ a statement that documents at least one year of experience in serving the community, OR

_____ for newly created organization formed by local churches, service or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community.

NOTE: The CHDO or its parent organization must be able to show one year of serving the community prior to the date the participating jurisdiction provides HOME funds to the organization. In the statement, the organization must describe its history (or its parent organization’s history) of serving the community by describing activities which it provided (or its parent organization provided), such as, developing new housing, rehabilitating existing stock and managing housing stock, or delivering non-housing services that have had lasting benefits for the community, such as counseling, food relief, or childcare facilities. The statement must be signed by the president or other official of the organization.

III. ORGANIZATIONAL STRUCTURE

- A. Maintains at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations as evidenced by the organization's:

_____ by-laws
_____ Charter, OR
_____ Articles of Incorporation
_____ a list of current board members noting those who
comprise this one-third of the membership

Under the HOME program, for urban areas, the term "community" is defined as one or several neighborhoods, a city, county, or metropolitan area. For rural areas, "community" is defined as one or several neighborhoods, a town, village, county, or multi-county area (but not the whole state).

- B. Provides a formal process for low-income, program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development, and management of affordable housing projects, as evidenced by:

_____ a written statement of operating procedures approved
by the governing body.

- C. A CHDO may be chartered by a State or local government, but the following restrictions apply: (1) the State or local government may not appoint more than one-third of the membership of the organization's governing body; (2) the board members appointed by the State or local government may not in turn, appoint the remaining two-thirds of the board members; and (3) no more than one-third of the governing board members are public officials (including any employees of the PJ), as evidenced by the organization's:

_____ by-laws
_____ Charter, OR
_____ Articles of Incorporation

- D. Your organization is not a public body (State or local government) or an instrumentality of a public body, as evidenced by the organization's:

_____ by-laws
_____ Charter, OR
_____ Articles of Incorporation

IV. RELATIONSHIP WITH FOR-PROFIT ENTITIES

- A. If the CHDO is sponsored or created by a for-profit entity, the for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members, as evidenced by the CHDO's:

_____ by-laws
_____ Charter, OR
_____ Articles of Incorporation

- B. The CHDO is not controlled, nor receives directions from individuals, or entities seeking profit from the organization, as evidenced by:

_____ The organization's By-laws, OR
_____ A Memorandum of Understanding (MOU)

- C. A Community Housing Development Organization may be sponsored or created by a for-profit entity, however:

- (1) The for-profit entity's primary purpose does not include the development or management of housing, as evidenced:

_____ in the for-profit organization's By-laws

AND;

- (2) the CHDO is free to contract for goods and services from vendor(s) of its own choosing, as evidenced in the CHDO's:

_____ by-laws
_____ Charter, OR
_____ Articles of Incorporation

THE CITY OF FORT WORTH AFFORDABLE HOUSING REQUEST FOR PROPOSALS
Community Housing Development Organization (CHDO) – Spend May 1, 2010
NOVEMBER 2009

I hereby certify that the information provided is true and accurate to the best of my knowledge, and agree to provide additional supportive evidence as may be required.

(TYPED NAME)

(AUTHORIZED SIGNATURE)

(DATE)

**Please mail the requested information to:
City of Fort Worth, Housing Department
1000 Throckmorton Street, Fort Worth, Texas 76102**

Revised January 2009

Exhibit B
HUD Area Median Income Table

THE CITY OF FORT WORTH AFFORDABLE HOUSING REQUEST FOR PROPOSALS
Community Housing Development Organization (CHDO) – Spend May 1, 2010
NOVEMBER 2009

HUD INCOME LIMITS for HOME PROGRAM FY2009
FORT WORTH, TEXAS

Household Size	Very Low Income						Low Income		100% AMI	120% AMI
	30% AMI	35 AMI%	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI			
1	13,850	16,150	18,500	23,100	27,700	32,300	36,950		46,200	55,400
2	15,850	18,500	21,150	26,400	31,700	37,000	42,250		52,800	63,400
3	17,800	20,800	23,750	29,700	35,600	41,600	47,500		59,400	71,200
4	19,800	23,100	26,400	33,000	39,600	46,200	52,800		66,000	79,200
5	21,400	25,000	28,500	35,650	42,800	50,000	57,000		71,300	85,600
6	22,950	26,800	30,650	38,300	45,900	53,600	61,250		76,550	91,800
7	24,550	28,650	32,750	40,900	49,100	58,300	65,450		81,850	98,200
8	26,150	30,500	34,850	43,550	52,300	61,000	69,700		87,100	104,600

* "Addl" reflects posted HUD Public Income Limits FY 2009. All other amounts are calculations based on HUD-provided PAMI Income Limits.

Exhibit C
HOME Regulatory Checklist

Date: October 6, 2009

PROJECT NAME:

Regulatory Issue	Regulatory Citation	Applicable?	Not Applicable?	Comments / Effect on Project Sponsor
Income Eligibility of Housing Beneficiaries / Affordability	92.203	Always Applicable		All HOME-funded housing units must be affordable to households with incomes at or below 80% of Area Median Income. Housing is generally considered "affordable" if the gross monthly housing payment, including all utilities, taxes, insurance, etc., is less than 30% of household monthly gross income.
Layering Analysis	92.250(b)	Always Applicable		For HOME-funded Projects with multiple funding sources, a financial analysis called a "layering analysis" must be conducted to document that the amount of HOME funds invested is needed to make the units affordable, and not an "over subsidy."
Affordability Periods: Homeownership	92.254(4)	Applicable to All Homeownership Projects		Homeowners and homebuyers assisted with HOME funds must occupy the property as their principal residence for a period of affordability from 5 to 15 years, based on the amount of assistance provided. This is enforced through recapture or resale restrictions filed against the property; generally if the home is sold during the period of affordability, a prorated portion of the original assistance amount is recaptured by the granting entity.
Affordability Period: Rental Housing	92.252(e)	Applicable to All Rental Projects		HOME-assisted rental housing units must remain affordable for a 5 to 20 year period, depending the per-unit subsidy amount: 5 years for per-unit subsidies under \$15,000, and 20 years for newly constructed or acquired units. Rent limits and other regulatory restrictions remain in force regardless of transfer of ownership, and are secured by legal instrument. Documentation must be maintained to demonstrate that all HOME-assisted units serve Low & Moderate Income families during the affordability period.

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Eligible Project Costs	92.206	Always Applicable	Acquisition, construction, site preparation and improvements, demolition; refinancing costs; Soft costs such as architectural and engineering services, attorney's fees, appraisals, audits, affirmative marketing and fair housing services, initial lease-up period reserves (subject to restrictions); relocation costs, and other costs directly related to carrying out an affordable housing project, etc.
Regulatory Limitations on Per Unit Subsidy Amount / Maximum Sale Price	92.205 (c) ; 92.254		HUD regulations advise that HOME funds be invested in "modest" housing for which the maximum sale price for single family units is no greater than 95% of the median purchase price for the area. HUD also establishes maximum per-unit subsidy amounts, which are adjusted annually based on market conditions. Local grantees must use a "subsidy layering analysis" to ensure that only the amount of HOME funds needed to ensure affordability , is invested in any project, regardless of the authorized maximum per unit subsidy amount. Also, monthly housing payments must be affordable to HOME-assisted buyers or tenants, regardless of the level of authorized sale prices or maximum subsidy amounts. The current 95% of median amount published by HUD is \$133,550; the current maximum per unit subsidy is \$194,463. Regardless of HUD-authorized levels, each project-specific per-unit subsidy amount will be determined by contract negotiation with the City.
New Construction of Multi-Family Housing - Site & Neighborhood Standards	92.202 and 983.6(b)		New construction of multi-family units must not increase minority concentration in areas of current minority concentration, and sites must be approved by the local HUD field office
HOME Matching Funds Requirement	92.218; 92.222		The City is required to provide 12.5% matching funds from non-federal sources, for each HOME dollar expended; Project Partners are generally expected to provide some portion of this Matching requirement. Owner equity is not HOME-eligible match.
Rental Housing - Income Targeting	92.216		As 90% of all HOME-assisted rental units during each fiscal year must be occupied by households with incomes of 60% of median or less, City will take this requirement into consideration when negotiating agreements with rental housing project developers.

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Rental Housing - Lease Requirements & Tenant Protections	92.253			Leases for HOME-assisted rental housing must be for at least one year, and must ensure basic tenant's rights and protections. There must be a written tenant selection policy.
Rental Housing - Onsite Monitoring & Inspections	92.504			During the period of affordability, City must make on-site visits at rental housing to ensure ongoing compliance with property standards and to verify income eligibility of tenants; the frequency of visits is determined by the number of HOME-assisted units in a project.
Multi-Unit Projects - Affirmative Marketing Requirements	92.351			Rental and homebuyer projects containing 5 or more HOME-assisted units must implement affirmative marketing steps to access for all eligible persons without regard to race, color, national origin, sex, religion, familial status, or disability.
Property Standards	92.251	Always Applicable		Housing assisted with HOME funds must meet all applicable local housing quality standards and building codes.
Accessibility for the Disabled - Section 504 of Rehabilitation Act of 1973	92.251			For a new construction projects, and substantial rehabilitation projects with 15 or more units, Section 504 requires 5% of the dwelling units, or at least one unit, whichever is greater, to be accessible for persons with mobility disabilities. An additional 2% of the dwelling units, or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities. Additional provisions may apply depending on the nature and unit composition of the project.
Time of Performance	92.500(d)1			HOME regulations set time limits on commitment and timely expenditure of funds, therefore City HOME contracts must establish time limits for expenditure of funds and accomplishment of outcomes.
Compensation and Method of Payment	24 CFR 92.505	Always Applicable		Grantees generally disburse on a reimbursement basis only; Funds may be provided only as needed.
Program Income	92.503			HOME regulations require separate documentation of any revenue earned from use of HOME grant funds; this income must be used for HOME-eligible activities. City contracts may require return of these funds, or restricted use of these funds to designated activities. Special provisions may apply to program income earned by Community Housing Development Organizations (CHDOs).

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Record-Keeping and Reporting Requirements	92.508; 92.509	Always Applicable		All records of HUD-grant-funded activities must be maintained for a minimum of five years, and are subject to review by City and HUD officials at any time. HOME regulations require annual reports on outcomes of all grant-funded activities; City contracts may require detailed regular reporting to fulfill this requirement.
Public Access to Program Records	92.508	Always Applicable		Programs funded with City HOME funds are subject to both State of Texas and federal Freedom of Information Act requirements; members of the public may request any HOME-related documents.
Reversion of Assets / Real Property	92.503(2)(vii) and (ix)			Property (including real property) that is purchased with HOME funds must be used for HOME-eligible purposes. The grantee will use legal means of enforcement, including filing of notes and deeds of trust, to ensure that properties purchased with HOME funds are used for HOME-eligible purposes. If the use of the property changes to an ineligible use during the period of affordability, the city may require that the value of that property be repaid to the City or that the property be returned to the city.
Real Property Acquisition: Occupied or Un-Occupied Structures	92.353			Acquisition of real property with HOME funds is governed by regulations of the Uniform Relocation Act (URA). Purchasers must notify prospective sellers as soon as they decide to seek federal grant funding for their project, in a proscribed notice format, of their intent to provide just compensation and whether or not they have the authority to exercise eminent domain. Appraisals are generally required. Templates for the required notice are available from the City. Regardless of whether tenant displacement will occur, tenants must also receive City-approved notification letters, also at the time of application for federal grant funding, and at subsequent stages during the development process.
Financial Management	92.505	Always Applicable		Recipients of HOME funding must have acceptable financial management systems and internal controls; Program or project budgets must include only eligible cost items that are appropriately allocated (shared) between federal and non-federal funding sources.

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Audits	92.506; OMB Circular A-133			Recipients that receive at least \$500,000 in federal funds are required to submit an A-133 Single Audit to the City within thirty (30) days of completion and no later than nine (9) months after the end of the fiscal year. Other recipients must submit financial statements, IRS 990 forms, or copies of audits performed by independent certified public accountants.
Conflict of Interest	92.356	Always Applicable		No person involved in a HOME-funded transaction may obtain any personal financial benefit. Persons involved are defined as "employees, agents, consultants, officers, elected or appointed officials" of the City or of subrecipients or contractors receiving HOME funds, who make decisions or are in a position to gain inside information regarding the funds. HUD has frequently applied a standard of "perceived benefit" to this requirement, in addition to actual financial benefit.
Prohibited and Ineligible Activities and Costs		Always Applicable		Operating subsidies and reserve accounts (past 18 month lease-up period); matching funds for other federal programs; assistance to public housing units; further investment in a previously assisted HOME project within its original affordability period; delinquent taxes, fees or charges; any cost not specifically authorized as an eligible project or administrative cost.
Administrative Requirements and Procurement Methods: Governmental Entities and Non-Profit Organizations	92.505; 24 CFR Parts 84 and 85			HUD procurement rules apply to purchasing and contracting by governmental and non-profit subrecipient entities, but do not generally apply to private owners and developers, whether for-profit or non-profit. , except as negotiated by the grantee as appropriate to a particular project or program. Governmental and subrecipient entities should have written procurement policies, and for contracts over \$100,000, should obtain appropriate performance bonds.
Written Agreement / Budget / Project Schedule / Milestones	92.504	Always Applicable		HOME regulations specify the provisions that must be included in all written agreements, including provisions for enforcement of the period(s) of affordability and monitoring or inspections throughout the contract period or period of affordability. Generally, such contracts include a budget and project schedule that is sufficiently detailed to provide a sound basis for the City to effectively monitor performance under the agreement.

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Federal Labor Standards: - Davis Bacon; -Copeland Act (Anti-kickback); and - Contract Work Hours and Safety Standards	92.354			Federal Labor Standards are triggered on HOME-funded projects which include construction on 12 or more HOME-assisted housing units. Under the Davis-Bacon Act, contractors and subcontractors are required to pay a wage not less than the prevailing wage determinations established by the Department of Labor. These required wages, and accompanying reporting and monitoring requirements, in some cases increase the costs of federally funded construction projects as compared to privately funded construction.
List of Debarred or Suspended Contractors	92.350(a)	Always Applicable		Before a contract can be awarded to a general contractor or subcontractor, HOME regulations require that recipients document (via the Excluded Parties List System) that debarred or suspended contractors or subcontractors do not receive federal funds. (www.epls.gov).
HUD Environmental Review Requirements	92.352; 24 CFR 58	Always Applicable		HUD regulations require that projects using HOME funds be reviewed to verify that no negative environmental impact occurs, including potential impacts to neighborhood historic preservation, flood or drainage, traffic patterns, existing wildlife or vegetation, or proximity to hazards, etc. For large projects, this review requires a 30-day public comment period and HUD approval (a total of 45 to 60 days should generally be allowed.) For projects using combined private and HOME funds, no private funds may be expended prior to receipt of HUD clearance of the project.
HUD Environmental Review: Flood Plain	92.352; 24 CFR 58			Properties in a flood plain may be deemed infeasible, or may be subject to further lengthy review and drainage mitigation processes.
HUD Environmental Review: Noise Mitigation	92.352; 24 CFR 58			The environmental review includes assessment of noise from area roads, railways, etc. Depending on threshold decibel levels, construction techniques may need to be modified to mitigate area noise levels.
HUD Environmental Review: Historic Preservation	92.352; 24 CFR 58			For properties with structures older than 45 years, the HUD required environmental review includes an additional (minimum) 30 days' review by the Texas Historic Commission.

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Lead Based Paint: Rehabilitation Projects				Structures built prior to 1978 must be tested for the presence of lead-based paint; all lead hazards must be mitigated or abated depending on the extent of hazard and extent of per-unit rehabilitation investment.
Uniform Relocation Act: Displacement	92.353			When tenants or businesses may be displaced as a result of acquisition, rehabilitation, demolition or conversion in a federally-funded project, the developer must have, and implement, a City-approved relocation plan. Tenants or other displaced parties must be notified of the potential for displacement at the time of application for federal funds. (Approved format for this required notice is available from the City.) If actual displacement occurs, relocation payments must be made to displaced parties.
Uniform Relocation Act (URA) -One-for-One Replacement ((Section 104(d))	92.353			If a project includes demolition of occupiable affordable housing units, one-for-one replacement of comparable affordable units is required for each unit demolished.
CHDO Certification	92.2	Applicable to CHDOs Only		Specially designated non-profit housing organizations called Community Housing Development Organizations (CHDOs) are eligible for particular flexible provisions of the HOME regulations. CHDOs must be certified by the granting entity as having adequate housing development capacity, a history of service to the community, and one-third board membership representing low or moderate income populations or neighborhoods.
CHDO Operating Costs & Pre-Development Loans	92.208; 92.300 (c)	Applicable to CHDOs Only		CHDOs demonstrating adequate capacity and experience may receive operating cost grants of up to \$50,000 per year, and may be eligible for forgivable predevelopment loans to cover the costs of feasibility studies in the affordable housing project planning stage. Such loans may only be forgiven if the project proves infeasible and does not go forward due to circumstances beyond the CHDO's control.
Eligible HOME Activities: CHDOs	92.205(a)	Applicable to CHDOs Only		CHDOs must act as the owner, developer or sponsor of a HOME-funded project.

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CHDO Proceeds	92.300(a)(2)	Applicable to CHDOs Only	CHDO housing developers may retain program income earned from development activity, to develop further affordable housing units, if authorized by their City Contract. After the first program income (CHDO Proceeds) is re-invested and results in additional housing units and further revenue, this "second-time-around" revenue loses its federal identity and no longer carries with it many of the HOME regulatory requirements that remain with HOME program income.
CHDO Rental Housing: Tenant Participation Requirement	92.303	Applicable to CHDOs Only	Rental housing developed, owned and operated by a CHDO, must follow a program of tenant participation in management decisions, and a grantee-approved grievance procedure.