



REQUEST FOR PROPOSALS

RFP Number 46-22

**Disaster Recovery Multifamily Housing Program
("DR-MHP")**

RFP Publication Date: January 20, 2022

**RFP Submission Deadline Date: Applications accepted until all funds
are committed**

Issued by:

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1. INTRODUCTION

The County of Butte (County) has been awarded federal Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the California Department of Housing and Community Development (HCD), as appropriated under Public Law 116-20, for the Disaster Recovery Multifamily Housing Program (DR-MHP). This will provide funding for new construction and rehabilitation of affordable multifamily housing in designated areas impacted by the wildfire of November 2018 (DR 4407). The County was awarded a total of \$61,361,926 to fund program administration and production of housing units affordable for low to moderate income households within multifamily projects, with \$56,000,000 set aside to award to qualifying projects. Of this amount, \$53,114,488 has been recommended by the County to HCD for awards through RFP #1 (RFP 08-22), leaving a balance of \$2,885,512 available through this RFP #2. In addition to funding that is available in this RFP #2, the State of California Proposed Action Plan for Recovery related to the Camp Fire has a Phase II set-aside of \$23,606,779, which is called a Phase II allocation, proposed to be available to all jurisdictions at a later date. HCD has indicated Phase II funds are available to all cities and counties where there remains a demonstrated need. Cities and counties can apply for additional funds from the Phase II funds if they have additional multifamily housing needs. If the County receives projects demonstrating need in excess of the \$2,885,512 in its current allocation, it will apply to HCD for the use of the Phase II funds for these projects. The County DR-MHP funds may be spent throughout the County, including the unincorporated areas of the County and within the incorporated jurisdictions of the Cities of Chico, Oroville, Gridley, and Biggs, and the Town of Paradise.

Butte County Administration seeks proposals from experienced affordable multifamily housing developers to access DR-MHP funds. The County has entered into contract with Housing Tools to provide DR-MHP administration, including management of this Request for Proposals, on its behalf.

2. BACKGROUND

2.a. 2018 CDBG-DR Action Plan

In response to the deadliest year of wildfires in California's history, the Federal Emergency Management Agency (FEMA) made disaster assistance available for two presidentially declared disasters, DR-4407 covering Butte, Los Angeles, and Ventura Counties, and DR-4382 covering Shasta and Lake Counties. The impact of the Camp Fire in Butte County changed the housing landscape and created a dire shortage of housing in the region. In recognition of the unmet recovery needs due to the disasters, California received an allocation of \$1,017,399,000 in Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) that are intended to benefit low- and moderate-income households impacted by the fires.

HCD is the grantee administering the CDBG-DR funds allocated to the State of California. HCD performed an Unmet Needs Assessment as outlined in the 2018 Action Plan submitted to HUD (https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2018/docs/hcd-cdbg-dr-2018_ap-final-ada-english.pdf). Based on the results of the Unmet Needs Assessment, HCD developed several programs to address unmet needs, including housing, infrastructure, and economic development activities. As one of these programs, DR-MHP is intended to assist in meeting unmet rental housing needs, including the needs of individuals displaced from rental homes and individuals who became homeless as a result of the Camp Fire. The projects intended for funding with DR-MHP include apartment complexes and mixed-use developments. CDBG-DR funds may assist low- and moderate-income housing units, but assisted projects may also be composed of mixed-income units.

2.b. State HCD and County of Butte Roles

While HCD provides oversight and monitoring of DR-MHP statewide, local jurisdictions are responsible for: soliciting for project proposals, review and evaluation of proposals, and monitoring projects for compliance with HCD policies and procedures. Additional information about the program may be viewed on HCD's website: <https://www.hcd.ca.gov/community-development/disaster-recovery-programs/cdbg-dr/cdbg-dr-2018/index.shtml>.

A summary of each primary party and roles follows.

2.b.i. HCD Roles

1. Develops Unmet Needs Assessments for Disaster Impacted Areas.
2. Develops Action Plans for use of federal disaster recovery funds.
3. Allocates funding to local jurisdictions.
4. Provides technical assistance to local jurisdictions.
5. Monitors local jurisdictions for compliance with federal and state regulations and DR-MHP requirements.
6. Reviews and approves NEPA Environmental Review Record and Requests for Release of Funds.
7. Reviews and approves conditional and firm commitments to projects, and associated loan documents.

2.b.ii. County of Butte Roles

1. Solicits proposals for use of DR-MHP funds allocated to the County by HCD.
2. Establishes local funding priorities and evaluation process.
3. Reviews and evaluates proposals according to federal and state regulations and DR-MHP requirements, and local evaluation process and funding priorities.
4. Recommends proposals to HCD for funding award.
5. Monitors projects for compliance with federal and state regulations and DR-MHP requirements, and reports regularly to HCD.

6. If recommended for award, act as the Responsible Entity for NEPA and CEQA, including determines level of NEPA review, procures necessary NEPA environmental review studies, including Environmental Assessment if necessary, create the Environmental Review Record, and completes the Request for Release of Funds process.

2.b.iii. Applicant Developer Roles

1. Submits proposal in response to County of Butte RFP.
2. If awarded, develops project in accordance with Conditional Commitment Letter.
3. If awarded, constructs project in accordance with DR-MHP Loan Documents, as defined in Section 3.c of this RFP.
4. If awarded, occupies and operates project in accordance with DR-MHP Loan Documents, as defined in Section 3.c of this RFP.

2.c. Coordination with Incorporated City RFPs

The Cities of Chico, Oroville, and Gridley, and the Town of Paradise have each received an allocation of DR-MHP funds. Butte County DR-MHP funds may also be awarded to projects located within these incorporated jurisdictions in the County. Local jurisdictions may have an open RFP, or issue an RFP, while the County DR MHP RFP is open. Eligible Applicant Developers may apply to a DR MHP RFP from one of the local jurisdictions and the Butte County DR MHP RFP if the proposed project is located within a local jurisdictions, and are encouraged to do so. However, HCD requires that the local jurisdictions and Butte County engage in separate evaluation and scoring processes for each proposed projects.

The application form for the Butte County RFP and the local jurisdiction RFPs may ask the Applicant Developer if it is applying to the other RFP, and may provide the Applicant Developer the opportunity to state whether they have a preference for the local jurisdiction or Butte County DR-MHP funds if both entities recommend an award for its project. Generally, the local jurisdiction and Butte County will not fund the same project with DR-MHP funds, except in special circumstances, such as when one entity has inadequate remaining allocation to fully fund the project. The process for RFP review coordination between the two entities is outlined below.

1. Applicant Developers indicate in their application preference for local jurisdiction (City/Town) or Butte County (County) DR-MHP funding.
2. The City/Town and County separately evaluate, score, and rank applications, if applicable.
3. After all applications are scored and ranked, the City/Town and County share their rankings with one another. For those projects that applied to both entities and are scored high enough to receive an award from both entities, the following process will be followed to determine which entity will award DR-MHP funds:

- a. The entity that has already committed non-DR-MHP funds to the project awards DR-MHP funds to the project. If this condition “a” does not apply, move to condition “b” below.
- b. The entity that the Applicant Developer has indicated as their preference in the application form awards DR-MHP funds to the project. If this condition “b” does not apply because the Applicant Developer did not state a funding entity preference, move to condition “c” below.
- c. The City/Town and County take turns selecting projects for award, starting with the City/Town jurisdiction where the project is located.

2.d. Local Priorities

Section 2.4 of the DR-MHP Policies and Procedures Manual allows local jurisdictions to establish local priorities for use of DR-MHP funds. For proposed projects that are located in jurisdictions within Butte County that have their own DR-MHP RFP, the County will use the local priorities established in the applicable jurisdiction’s DR-MHP RFP. For proposed projects that are located in unincorporated Butte County, the following local priorities will apply:

- *Extremely Low Income (ELI) Households*: households earning 30% of the Area Median Income (AMI) or less
- *Individuals Experiencing Homelessness*: individuals who lack a fixed, regular, and adequate nighttime residence; individuals who will imminently lose their primary nighttime residence; an unaccompanied youth under 25 years of age without a fixed, regular, and adequate nighttime residence; or any individual fleeing, or attempting to flee, domestic violence that has no other residence, as further defined in 24 CFR 578.3
- *Disabled Individuals*: where Disability is defined as any disability, including mental, developmental, or physical disability, that limits a major life activity, including a disability that falls within the definitions in GC Sections 11135, 12926, and 12926.1, or within the definition of disability used in the federal Americans with Disabilities Act of 1990, codified at 42 U.S.C. 12102
- *Low Income Seniors*: persons at least 62 years of age with income at 80% of AMI or less

2.e. County of Butte RFP Website

Additional information about this RFP, including application materials and Q&A, may be found at <http://www.buttecounty.net/economicdevelopment/CDBGDR-MHP>.

2.f. RFP Timeline

Below is the schedule of critical dates for this RFP.

RFP published	January 20, 2022
Submission of RFP questions due to the County	January 28 2022
Q&A published	February 2, 2022
Last day to submit Application Portal request form	At least five days before submitting application.
Applications due	Applications will be reviewed at the time they are submitted. (No due date.)
County sends questions to each Applicant Developer	Within two weeks of receiving application.
Applicant Developer responds to County questions	Within three days of receiving questions.
County funding recommendation(s) submitted to HCD	Within four weeks of receiving complete application.
Award(s) published and conditional commitment letter(s) issued	Eight weeks after County submits funding recommendation(s) to HCD. (Estimated)

3. FUNDING

3.a. Source of Funding

The funding source for this RFP is the federal Community Development Block Grant- Disaster Recovery (CDBG-DR) Multi-family Housing Program (MHP), otherwise known as “DR-MHP”. These funds are administered at the federal level by HUD, and at the state level by HCD.

3.b. Form of Funding

The funding awarded by the County to developers is expected to be in the form of a deferred payment or forgivable loan with a 20-55 year term, secured by a deed of trust on the assisted project’s property. The interest rate will be 0%-3%. The loan terms may be revised on a case-by-case basis depending on particular project circumstances and at the County’s concurrence. Units assisted by the DR-MHP loan will have rents restricted to levels affordable to Low to Moderate Income (LMI) Households, as enforced by a regulatory agreement to be recorded in first lien position against the property for the duration of the loan term. The loan may be utilized in combination with other sources of funding. The intent of the DR-MHP funding is to be used in the construction phase of the project, but DR-MHP funding may also be used for permanent financing. Applicant Developers should be aware that DR-MHP is a cost

reimbursement program and disbursements during construction are limited to the reimbursement of actual eligible costs that have been incurred.

The County will issue conditional commitment letters to awarded applications in response to this RFP. Applicant Developers must provide evidence of all funding commitments necessary to develop the project prior to HCD issuance of a firm commitment letter and execution of any loan or grant agreements.

3.c. Legal Documents

The DR-MHP loan will be memorialized in the following Loan Documents:

3.c.i. Development Agreement

Sets terms of the loan, conditions for disbursement, use of funds, reversion of assets, events of default and remedies, insurance requirements, and monitoring requirements.

3.c.ii. Deed of Trust

Secures the loan against the project property.

3.c.iii. Regulatory Agreement

Enforces occupancy, tenant rent, and management requirements for the project.

3.c.iv. HCD Rider to the Development Agreement

Establishes HCD requirements for the project.

3.d. Funding Amount

The minimum funding award is \$250,000. The maximum funding award is the lesser of:

- 40% of Total Development Costs; and
- the sum of the CDBG-DR funding limits per CDBG-DR assisted unit.

The CDBG-DR funding limits are listed below.

Bedrooms	CDBG-DR Per Unit Limit
0	\$153,314
1	\$175,752
2	\$213,718
3	\$276,482
4+	\$303,490

3.e. National Objective Requirements

In accordance with 24 CFR 670.208, all CDBG-DR funded activities must satisfy a national objective. For DR-MHP, all projects must meet the Low to Moderate Income (LMI) housing national objective. LMI households are households that earn up to 80% of the Area Median Income, as set by the federal government for HUD-assisted Housing Programs. The LMI national objective requires that at least 51% of units are designated as, and affordable to, LMI households. Proposed developments that do not have more than 51% of units as LMI may only be funded for the proportional number of assisted units. However, pursuant to 24 CFR 570.483(b)(3), if the project is a rehabilitation project or a senior new construction project, it must dedicate at least 51% of total units as LMI. While proposed projects may be mixed-income, DR-MHP funds are limited to assist the Affordable Units restricted to LMI household occupancy in accordance with Section 2.6 of the CDBG-DR MHP Policies and Procedures.

4. ELIGIBILITY REQUIREMENTS

4.a. Eligible Applicants

Eligible applicants to this RFP must be a development organization, or a partnership of development organizations, with experience developing and owning publicly subsidized affordable housing. The Applicant Developer must have experience in developing and operating at least one publicly subsidized, rent-restricted rental housing project.

4.b. Eligible Activities

Because DR-MHP was allocated to the County to replace rental units lost in the Camp Fire, the County will only accept applications for new construction or rehabilitation projects that will increase the supply of affordable housing under this RFP. For example, a rehabilitation project will be eligible if it converts market rate units to Affordable Units, as defined in Section 4.f.

4.c. Eligible Costs

Eligible DR-MHP costs include the clearance, demolition, removal, reconstruction, and rehabilitation of buildings and improvements, and new construction of buildings and improvements, for the purpose of producing affordable housing. The DR-MHP funds must be used to increase the supply of affordable housing, or to rehabilitate disaster-impacted units. More specifically, eligible DR-MHP costs include: architectural and engineering design; permitting fees; developer fees; mobilization, site prep, and clean up; construction, reconstruction, or rehabilitation costs; and land and building acquisition costs. Ineligible DR-MHP costs include: pre-application costs and application development costs; advances of any type, including construction; and facility operating or maintenance expenses.

4.d. Project Size

Proposed projects must be rental multi-family developments with eight or more units. The proposed project may be a scattered site development with more than one residential property on non-contiguous lots under common ownership and management, provided the Applicant Developer can demonstrate capability to adequately supervise and maintain the properties.

4.e. Site Control

The applicant must have site control of the property where the proposed project will be developed. Site control must be demonstrated by: fee title ownership, purchase agreement, option agreement, disposition and development agreement, or leasehold interest.

4.f. HCD Project Type

The proposed project must meet one of the following HCD Project types as defined in the “2019 Multifamily Housing Program Guidelines” Article 2, Section 7302(e):

Large Family— where at least 25% of restricted Units (as defined in Uniform Multifamily Regulations (UMR) Section 8301) have three or more bedrooms, and at least an additional 25% of rent restricted units have two or more bedrooms.

Special Needs—where at least 25% of the Restricted Units (as defined in UMR Section 8301) are restricted to occupancy by Special Needs Populations, and the Project complies with the integration requirements specified in Section 7302(g). Special Needs Populations are defined in Section 7301(z).

Seniors— where all units are restricted to residents who are 62 years of age or older, and as further defined in Section 7302(e)(3).

Supportive Housing— where at least 15% of the Restricted Units (as defined in UMR Section 8301) are restricted to occupancy by people experiencing Chronic Homelessness and the project meets the requirements set forth in Section 7302(f). Chronic Homelessness is defined in Section 7301(f).

At High Risk— meeting the requirements for at-risk projects set forth in Section 7302(3)(5) and in TCAC Regulations, Title 4 CCR, Division 17, Chapter 1, Section 10325. In addition, the proposed project must tie back to the disaster by increasing the supply of affordable housing units or rehabilitating or reconstructing disaster-impacted units.

4.g. Affordability

At least 30% of total project units, or four units total, whichever is greater, must be Affordable Units. If the proposed project is a rehabilitation project or senior new construction project, at least 51% of the total units in the project must be Affordable Units. Affordable Units is defined by the DR-MHP program as a dwelling that is rented at an Affordable Rent to a LMI Household that earns less than 80% of AMI. Affordable Rent is defined by the DR-MHP program as rents that are at or below the “High” HOME Program rents published by HUD for the applicable metropolitan area. The current applicable High HOME Program rents for Butte County are listed below and are subject to change.

The term of affordability will be a minimum of 15 years for Rehabilitation projects and a minimum of 20 years for New Construction projects.

Bedrooms	High HOME Rent for Butte County
0	\$785
1	\$843
2	\$1,013
3	\$1,161
4+	\$1,276

4.h. HCD Priority Criteria

Per Section 2.4 of the HCD DR-MHP Policies and Procedures, the proposed project must qualify under one of the following criteria for the income-restricted units:

Extremely Low Income (ELI)— setting aside at least 10% of total units to be affordable to households earning 30% of AMI or less.

Permanent Supportive Housing (PSH)— setting aside at least 15% of total units for persons experiencing Chronic Homelessness, as defined under the federal Continuum of Care Program, at 24 CFR 578.3.

Elderly Low Income Housing— providing Affordable Units for low income Elderly Persons, and setting aside at least 5% of total units to be affordable to households earning 30% of AMI or less, which units must be spread proportionally across unit sizes. Elderly Persons are defined by the DR-MHP program as persons at least 62 years of age.

Disabled Persons— setting aside at least 15% of total units for people with at least one Disability, and setting aside at least 3% of total units to be affordable to households

earning 30% of AMI or less, which units must be spread proportionally across unit sizes. A Disability is defined by the DR-MHP program as any disability, including mental or physical disability, that limits a major life activity, including a disability that falls within the definitions in GC Sections 11135, 12926, and 12926.1, or within the definition of disability used in the federal Americans with Disabilities Act of 1990, codified at 42 U.S.C. 12102.

4.i. Most Impacted and Distressed Areas

Under DR 4407, all of Butte County was designated as a “Most Impacted and Distressed Area”. As a result, projects located anywhere within Butte County are eligible for DR-MHP funds.

4.j. Relocation

Applicants proposing projects that do not require relocation must submit a certification that no relocation is required along with documentation such as a time-dated aerial photograph with their application.

Applicants proposing projects that propose developing housing on property that was occupied by residents or businesses at the time that the Applicant Developer entered into contract to purchase the property, or is currently occupied by residents or businesses, must submit a relocation plan prepared by a qualified relocation consultant with their application.

4.k. Environmental Review Threshold

Projects will be evaluated for compliance with 24 CFR Part 58.6, which includes an assessment of the site location relative to airport hazards and flood zones. Projects may be disqualified if they have the following conditions.

4.k.i. The site is in a FEMA special flood hazard zone, and the conclusion of the 8-Step Process per 24 CFR 55 is that the Applicant Developer cannot participate in the National Flood Insurance Program per Part 58.6(a) and/or cannot make the necessary mitigations to comply with NEPA regulations.

4.k.ii. The site is in an Airport Runway Clear Zone or Clear Zone, as defined in 24 CFR Part 51.

5. SCORING CRITERIA (Max 100 points)

5.a. Experience (Max 40 points)

5.a.i Developer (Max 30 points)

Proposed Applicant Developer has constructed and owns or has affiliate ownership of:

1. 5 or more projects in service more than 3 years, of which 1 is in service more than 5 years and 2 are California Tax Credit Allocation Committee (CTCAC) projects (30 pts)
2. 5 projects in service more than 3 years, of which 1 is in service more than 5 years, with no CTCAC projects, that will contract with a management company currently managing 2 CTCAC projects in service more than 3 years (30 pts)
3. 3-4 projects in service more than 3 years, of which 1 is in service more than 5 years and 2 are CTCAC projects (20 pts)
4. 3-4 projects in service more than 3 years, of which 1 is in service more than 5 years, with no CTCAC projects, that will contract with a management company currently managing 2 CTCAC projects in service more than 3 years (20 pts)
5. 4 or more Special Needs projects in service more than 3 years and one CTCAC project which may or may not be one of the 4 special needs projects (25 pts)
6. 4 or more Special Needs projects in service more than 3 years and no CTCAC projects that will contract with a management company currently managing 2 CTCAC projects in service more than 3 years (25 pts)
7. 3 Special Needs projects in service more than 3 years and one CTCAC project which may or may not be one of the 3 special needs projects (20 pts)
8. 3 Special Needs projects in service more than 3 years and no CTCAC projects that will contract with a management company currently managing 2 CTCAC projects in service more than 3 years (20 pts)

5.a.ii. Property Manager (Max 10 points)

1. 11 or more projects managed over 3 years, of which 2 are CTCAC projects (10 pts)
2. 6-10 projects managed over 3 years, of which 2 are CTCAC projects (5 pts)
3. For Special Needs Project Types, 4 Special Needs projects managed over 3 years and 1 CTCAC project which may or may not be one of the Special Needs projects (10 pts)
4. For Special Needs Project Types, 2-3 Special Needs projects managed over 3 years and 1 CTCAC project which may or may not be one of the Special Needs projects (5 pts)

5.a.iii. Service Provider (Max 5 points)

For Special Needs or Supportive Housing Project Types, the proposed Service Provider currently provides supportive services for the target Special Needs population and has committed to provide supportive services for the project, as evidenced by a Letter of Intent (LOI) or Memorandum of Understanding (MOU).

5.b. Feasibility (Max 40 points)

5.b.i. Site (Max 20 points)

1. Zoning (Max 10 pts)
 - a. Project has secured entitlements (10 pts); or
 - b. Proposed use is allowed by right without discretionary review required for use permit (10 pts); or
 - c. Proposed use requires a use permit and/or discretionary review by any government agency (5 pts); or
 - d. Proposed use requires a zone change (0 pts)
2. Development Impediments (Max 5 pts)
 - a. Site and any existing buildings are free of any significant impediments to the proposed project (5 pts); or
 - b. Proposed project will require environmental remediation with regulatory agency oversight (2 pts); or
 - c. Site is located on a steep slope, within a wetland or riparian area, or in an environmentally sensitive area (0 pts)
3. Opportunity Areas (Max 5 pts)
 - a. Site is located in a Highest or High Resource Area (5 pts); or
 - b. Site is located in a Moderate Resource Area (3 pts); or
 - c. Site is not located in a Highest, High, or Moderate Resource Area and scores maximum points for CTCAC Site Amenities (2 pts); or
 - d. Site is not located in a Highest, High, or Moderate Resource Area and does not score maximum points for CTCAC Site Amenities (0 pts)

5.b.ii. Financing Plan (Max 10 points)

1. Sources (Max 2 pts)
 - a. Does the requested amount of CDBG-DR funding meet requirements? (1 pt)
 - b. Are other proposed funding sources feasible, and is the amount of each funding source within the source's stated parameters? (1 pt)
2. Uses (Max 2 pts)
 - a. Is the amount of Uses budgeted adequate? (1 pt)
 - b. Can Uses be feasibly paid for with Sources with no gap? (1 pt)
3. Rent Structure (Max 2 pts)
 - a. Does the rent schedule meet requirements of the proposed funding sources? Are utility allowances included and are they accurate? (1 pt)
 - b. Is there market demand for the proposed unit mix? (1 pt)
4. Operating Budget (Max 2 pts)
 - a. Is the on-site staffing adequate for the number of units and target population? (1 pt)
 - b. Do total operating expenses per unit exceed CTCAC minimums for the project type? (1 pt)

5. Cashflow Proforma (Max 2 pts)
 - a. Is projected cash flow positive for at least 20 years and are calculations realistic and accurate (vacancy rates, annual rates of increase, replacement reserve deposits, debt service)? (2 pts)

5.b.iii. Timeline (Max 10 points)

1. Does the timeline meet HCD CDBG-DR deadlines? (5 pts)
2. Is the timeline realistic? (1-5 pts)

5.c. Addresses Local Priorities (Max 10 points)

Applicant may only select one of the Local Priorities below for points:

5.c.i. Extremely Low Income Households (Max 10 points)

1 point for each 2% of total units (excluding manager's units) with rents affordable to ELI Households, as defined in Section 2.d. of this RFP

5.c.ii. Persons Experiencing Homelessness (Max 10 points)

1 point for each 2% of total units (excluding manager's units) targeted to Persons Experiencing Homelessness, as defined in Section 2.d. of this RFP

5.c.iii. Disabled Individuals (Max 10 points)

1 point for each 2% of total units (excluding manager's units) targeted to Disabled Individuals, as defined in Section 2.d. of this RFP

5.c.iv. Low Income Seniors (Max 10 points)

1 point for each 10% of total units (excluding manager's units) targeted to Low Income Seniors, as defined in Section 2.d. of this RFP

5.d. Affordability (Max 10 points)

1 point for each 2% that the average affordability of total units (excluding manager's units) is less than 60% AMI (i.e. an average affordability of 40% AMI scores 10 points).

5.e. Competitive Scoring and Tiebreaker

Applications will be received and reviewed on an "over-the-counter" basis. Applications that submit complete applications as outlined in Section 6 and that meet the Funding Requirements outlined in Section 3, the Eligibility Requirements outlined in Section 4, the underwriting and cost reasonableness review outlined in Section 7.b.iv, and score a minimum of 80 points based on the Scoring Criteria outlined in this Section, will be recommended for an award. However, if

more than one application is received within five or fewer business days of one another, the applications will be scored as outlined above.

If applications receive the same score, a tiebreaker will be applied. The tiebreaker will be the amount of DR-MHP funds requested per rent-restricted Affordable Unit, as defined in Section 4.g. of this RFP. The proposed project with the lowest amount of DR-MHP funds requested per rent-restricted Affordable Unit will be recommended for award. In the event that two or more applications have the same score and the same amount of DR-MHP funds requested per rent-restricted Affordable Unit, the project with the most rent-restricted affordable units will be recommended for award.

6. APPLICATION REQUIREMENTS

The application will consist of the following components, most of which are required by HCD:

- Application Form
- Attachments as referenced on the Application Form, and on the Attachments Checklist (Exhibit A to this RFP)
- CTCAC Excel Workbook
 1. For projects financed with 4% tax credits or no tax credit financing, complete “2021 Attachment 40 - 4% Tax Credit Application with Tax-Exempt Bond Financing”— complete Application, Sources and Uses Budget, Basis & Credits, 15 Year Pro Forma, Service Amenities Budget (if applicable), and Subsidy Contract Calculation tabs. Leave all other tabs blank.
 2. For projects financed with 9% tax credits, complete “2021 Competitive 9% Tax Credit Application”— complete Application, Sources and Uses Budget, Basis & Credits, 15 Year Pro Forma, Service Amenities Budget (if applicable), and Subsidy Contract Calculation tabs. Leave all other tabs blank.

The following information will be requested on the Application Form and Attachments Checklist.

6.a. Applicant Experience

6.a.i. Applicant Developer

1. Provide the following for the Applicant Developer Partnership: applicant corporate name, DUNS number, CA Secretary of State Entity number, Identity of Interest form, Legal Status Questionnaire, debarment verification (Attach SAM.gov screenshot)
2. Provide the following for the Managing General Partner: corporate name, DUNS number, CA Secretary of State Entity number, federal debarment verification (Attach SAM.gov screenshot)

3. Provide the following for the Administrative General Partner: corporate name, DUNS number, CA Secretary of State Entity number, Identity of Interest form, Legal Status Questionnaire federal debarment verification (Attach SAM.gov screenshot)
4. Attach Developer's Experience Form with list of projects completed and currently owned with the following information: project name, number of units, whether it is CTCAC financed, whether it is Special Needs, date placed in service. Also attach HCD Development Experience form with information about three completed rental projects.
5. Attach Profit and Loss Statements, for two most recent fiscal years for three projects listed on Developer's Experience Form. Provide an explanation for any years of negative cash flow.
6. Duplication of Benefits review (42 USC 5155(a))— disclose any disaster response funds received for the project, which may include insurance proceeds
7. Attach Partnership Agreement (if applicable)
8. Attach organizational chart for the Limited Partnership (if applicable)
9. Attach resumes for the Development Team
10. Attach two most recent years CPA financial review letters and audited financials for all entities with ownership interest

6.a.ii. Property Manager

Provide property manager corporate name and list projects completed and currently managed with the following information: project name, owner, number of units, whether it is CTCAC financed, whether it is Special Needs, date placed in service.

6.a.iii. Service Provider (if necessary)

Provide service provider corporate name and list projects for which service provider is currently providing services with the following information: project name, owner, number of units, target population, services provided, number of years services have been provided.

6.b. Project Description

6.b.i. Site Location and Characteristics

1. Attach Site Map showing the project site location and major cross-streets with "north" arrow.
2. Attach title report that is dated less than 90 days prior to the application due date.
3. Attach acceptable site control document (purchase agreement, DDA, leasehold interest, option agreement, fee title).
4. Does the project trigger relocation or displacement of current residents or businesses? If yes, include a relocation plan produced by a qualified

relocation consultant. If no, attach a certification that no relocation is required and supporting documentation such as a date-stamped aerial photograph.

5. Attach documentation of Opportunity Area per CTCAC scoring criteria (<https://belonging.berkeley.edu/2021-tcac-opportunity-map>).
6. Describe status of land use entitlements. Attach evidence of entitlements (if any). Attach letter from County Planner indicating that the project meets all requirements for local approval under a nondiscretionary process and that the project as submitted will comply with CalGreen and WUI building codes (if applicable).
7. What is the status of NEPA environmental review? Attach any Environmental Review Record documents, including environmental review reports.
8. Describe the site, including: address; APN number(s); total number of properties that are part of the project site; form of site control; size in acreage; current use; improvements (if any); shape and topography; any special site features; easements (if any); planned lot line adjustments, parcel mergers, or subdivisions (if any); zoning designation and status of entitlements; infrastructure availability; environmental conditions; the surrounding neighborhood; and nearby amenities and their proximity (using CTCAC criteria).

6.b.ii. Project Scope

1. Provide the following information: total number of buildings, total number of units, total number of rent-restricted affordable units, total proposed DR-MHP assisted units, and target populations by unit.
2. Attach Unit Mix Chart, including the following: number of bedrooms, target AMI, rent restricted or non-rent restricted, DR-MHP assisted, tenant rent, utility allowance, and gross rent.
3. Identify the HCD Project Type for the proposed project: Large Family, Special Needs, Seniors, Supportive Housing, or High Risk (see “2019 Multifamily Housing Program Guidelines” Article 2, Section 7302(e)).
4. Identify the HCD Priority that the proposed project will meet from the list below, and explain how the project will address this HCD Priority:
 - a. Extremely Low Income— 10% of total units affordable to households earning 30% AMI or less;
 - b. Permanent Supportive Housing— 15% of total units set aside for persons experiencing Chronic Homelessness;
 - c. Elderly Persons— All units restricted to persons at least 62 years of age, and 5% of total units affordable to households earning 30% AMI or less; or
 - d. Disabled Persons— 15% of total units set aside for persons with at least one Disability, and 3% of total units affordable to households earning 30% AMI or less

6.b.iii. Proposed Improvements

1. Identify Activity Type: construction of new housing; or rehabilitation/reconstruction of residential structures.
2. Describe the proposed improvements, including: construction type and number of floors of buildings, number of bedrooms and square footage of units, common areas and management/services space, outdoor amenities, number and types of parking spaces, off-site improvements (if any).
3. Is the project a scattered site project? If yes, Attach a plan to adequately supervise and maintain the scattered site project.
4. Will the proposed project adhere to CalGreen building codes?
5. Will the project adhere to Wildland-Urban Interface (WUI) building codes? If it is not subject to WUI building codes, attach a map demonstrating the project is not in a High Fire Zone.
6. Will the proposed project adhere to Broadband infrastructure requirements? Any new construction or substantial rehabilitation, as defined in 24 CFR Part 5.100, must include installation of broadband infrastructure.
7. Is the project in compliance with Article XXXIV? Attach proof of compliance (documentation from the local jurisdiction or legal opinion from Applicant's attorney, with evidence of local jurisdiction concurrence).
8. Attach site plan showing where proposed improvements will be located (required), and any other architectural drawings (if available).
9. Attach Market Study.
10. Attach Draft Affirmative Marketing Plan (Form HUD-935.2A) that includes description of outreach efforts to disaster victims.
11. Will the project trigger Section 504 accessibility requirements? (See 24 CFR Part 8 effectuating Section 504 of the Rehabilitation Act of 1973) If yes, attach a letter from an engineer or architect stating that the project will comply with Section 504 accessibility regulations.

6.c. Financing Plan

6.c.i. Brief Financing Narrative

1. Total DR-MHP funding request
2. Financing structure (i.e. 9% tax credits, 4% tax credits, tax-exempt/taxable bonds)
3. Rental or operating subsidies (if any)
4. Capitalized operating, transition, services, or replacement reserves
5. Special 20-Year Proforma considerations (if any)

6.c.ii. Attach CTCAC Workbook Proforma with the following tabs completed:

1. Application (including Rent Schedule and Operating Budget)
2. Sources and Uses Budget
3. Basis & Credits

4. Service Amenities Budget (if applicable)
5. 15 Year Pro Forma
6. Subsidy Contract Calculation

6.c.iii. Attach 20-Year Cash Flow Proforma completed in provided Excel file

6.c.iv. Attach Commitment of Section 8 Project Based Vouchers from the Housing Authority of the County of Butte (if available)

6.c.v. Attach Unit Mix Chart completed in Excel file provided in the Application Portal

6.d. Supportive Services

6.d.i. MOU or LOI (if applicable)

Attach an MOU between the Developer and Service Provider, or Letter of Intent (LOI) from Service Provider, in which Service Provider commits to provide supportive services to the project.

6.d.ii. Attach a Supportive Services Plan (if applicable)

Identify the target population, services to be provided, and staff positions, including FTE ratios, that will be dedicated to the project.

6.e. Proposed Schedule

6.e.i. Planned Development Schedule

Provide planned dates for: NEPA review and approval, entitlements submission and approval, application for tax credit and/or tax-exempt bond allocations, application for other funding sources, property acquisition, construction finance closing, start and completion of construction, stabilized occupancy, permanent loan closing.

7. PROCESSES

7.a. Application Submission Requirements

The application will consist of the following components:

7.a.i. Application Form

Download the "Application Form" from the RFP website at <http://www.buttecounty.net/economicdevelopment/CDBGDR-MHP>. Fill in a response to every question on the form. If the response is "not applicable" fill in "N/A". If the information is not available, provide an explanation.

7.a.ii. Attachments

Download the Attachments Checklist (Exhibit A to this RFP), from the RFP website. Label Attachment filenames exactly as titled on the Attachment Checklist. If necessary, provide a cover page explanation of the material within the Attachment. Upload only one file for each Attachment listed in the Attachment Checklist. Only pdf and Excel formats are accepted for Attachments.

7.a.iii. CTCAC Excel Workbook

1. For projects financed with 4% tax credits or no tax credit financing, download “2021 Attachment 40 - 4% Tax Credit Application with Tax-Exempt Bond Financing” from the CTCAC website at <https://www.treasurer.ca.gov/ctcac/2021/application.asp> Complete Application, Sources and Uses Budget, Basis & Credits, 15 Year Pro Forma, Service Amenities Budget (if applicable), and Subsidy Contract Calculation tabs. Leave all other tabs blank.
2. For projects financed with 9% tax credits, download “2021 Competitive 9% Tax Credit Application” from the CTCAC website at <https://www.treasurer.ca.gov/ctcac/2021/application.asp> Complete Application, Sources and Uses Budget, Basis & Credits, 15 Year Pro Forma, Service Amenities Budget (if applicable), and Subsidy Contract Calculation tabs. Leave all other tabs blank.

7.a.iv. 20-Year Cash Flow Proforma

All numbers entered should be consistent with the 15 Year Pro Forma sheet completed as part of the CTCAC Excel Workbook.

The entire application will be an online electronic submission. Follow these steps to submit the application:

1. Download the application and request Application Portal link.
 - a. Download the Application Form and Attachments Checklist from the RFP website at <http://www.buttecounty.net/economicdevelopment/CDBGDR-MHP>.
 - b. Download the appropriate CTCAC Excel Workbook from the CTCAC website at <https://www.treasurer.ca.gov/ctcac/2021/application.asp>.
 - c. Complete the “Request an Application Portal” web form on the RFP website, and click the “Submit” button. After you have submitted the form, you will receive an email from cdbgdr-mhp@housing-tools.com with an Application Portal link and instructions for how to use it to complete the application. This is the link you will use submit the application electronically. **The Application Portal request form must be submitted at least five days before submitting the application.** When you receive the link, click it to make sure it accesses

the Application Portal. If the link does not work or you have any issues accessing the Application Portal, email cdbgdr-mhp@housing-tools.com.

2. Prepare the application.
 - a. Complete the Application Form and save in pdf format.
 - b. Prepare the Attachments and label each file as titled on the Application Checklist. Save only one file for each item on the Application Checklist. Each file must be saved in pdf or Excel format.
 - c. Complete the CTCAC Workbook, 20-Year Cash Flow Proforma, and Unit Mix Chart and save in Excel format.

3. Submit the application using the Application Portal link.
 - a. Click the Application Portal link received by email from cdbgdr-mhp@housing-tools.com. This will take you to a sheet with rows labeled for the Application Form, CTCAC Workbook, 20-Year Cash Flow Proforma, Unit Mix Chart, and each of the items listed on the Attachment Checklist. Hover your cursor to the left of the row title until a paperclip icon appears. Click the paperclip icon. This will open a window titled "Attachments". Click "Attach Files to Row" box at the bottom of the window. Click "Upload a File". This will take you to your computer's file browser where you will be able to select the appropriate file to upload. After the file is uploaded a paperclip icon will appear next to the row title.
 - b. Upload the completed Application Form on the row indicated and check the adjacent "Uploaded" box.
 - c. Upload the CTCAC Workbook on the row indicated and check the adjacent "Uploaded" box.
 - d. Upload the 20-Year Cash Flow Proforma on the row indicated and check the adjacent "Uploaded" box.
 - e. Upload the Unit Mix Chart on the row indicated and check the adjacent "Uploaded" box.
 - f. Upload Attachments listed on the Attachments Checklist on the row indicated and check the adjacent "Uploaded" box. File names must match the titles on the Attachments Checklist. If the Attachment item is not applicable to your application, click the "N/A" box and complete the adjacent "N/A Explanation" cell. **The application will not be accepted as complete unless all rows have the "Uploaded" or "N/A" box checked, and "N/A Explanation" cell completed if necessary, next to each Attachment item.**
 - g. Click disk icon on the upper left hand corner of the sheet to save the sheet. When you are ready to submit the application, check the box next to "Submit Application" at the bottom of the sheet, then save. After Submit Application is checked and the sheet is saved, it has been "submitted".
 - h. After you have submitted the application, you will receive a receipt confirmation email from cdbgdr-mhp@housing-tools.com, sent to the email

listed as the Applicant Primary Contact, to confirm that your application submission has been received.

7.b. Application Review and Award Process

7.b.i. Completeness Review

Within two weeks after application submission, each application will be reviewed for completeness, including the Application Form, the CTCAC Excel Workbook as identified in Section 7.a.iii, the 20-Year Cash Flow Proforma, the Unit Mix Chart, and the Attachments Checklist. Reviewed applications will fall into one of two categories: Minor Inadequacy and Major Inadequacy.

1. Minor Inadequacy: up to five missing responses on the Application Form and/or up to two missing Attachments. Applicants with a Minor Inadequacy will be provided five business days to provide the missing information or document. If the missing information is not provided within the required timeframe, the application may be disqualified.
2. Major Inadequacy: more than five missing responses on the Application Form or more than two missing Attachments. Applicants with a Major Inadequacy may be disqualified.

7.b.ii. Eligibility Review

Within three weeks after the application due date, each application will be reviewed for eligibility. Responses to the following questions will determine eligibility.

1. Does the Applicant Developer have experience developing and operating publicly subsidized, rent restricted rental housing? If no, the applicant is ineligible.
2. Has the County determined that the Applicant received a Duplication of Benefits? If yes, the applicant is ineligible.
3. Does the project consist of at least 8 rental units? If no, the applicant is ineligible.
4. Does the applicant have site control (purchase agreement, DDA, leasehold interest, option agreement, fee title)? If no, the applicant is ineligible.
5. Does the project meet the requirements for one of the five Project Types below? If no, the applicant is ineligible.
 - a. Large Family (25% of units 3+BRs, 25% of units 2+BRs)
 - b. Special Needs (25% of units restricted to Special Needs Populations)
 - c. Seniors (all units restricted to seniors)
 - d. Supportive Housing (15% of units, and not less than 10 units, restricted to persons experiencing Chronic Homelessness)
 - e. At High Risk
6. Does the project meet affordability requirements as listed below? If no, the applicant is ineligible.
 - a. 4 units or 30% of total units must be Affordable (High HOME Rents)

- b. Affordability Period (rehab-15 yrs., new const.-20 yrs.)
- 7. Does the project meet one of the HCD priorities listed below within the income restricted units? If no, the applicant is ineligible.
 - a. ELI (10% of units below 30% AMI)
 - b. PSH (15% of units Chronic Homeless)
 - c. Elderly Persons (5% of units below 30% AMI)
 - d. Disabled Persons (15% of units for Disabled, 3% of units below 30% AMI)
- 8. Initial NEPA review
 - a. Is the site in a FEMA special flood hazard zone? If yes, conduct 8-Step Process per 24 CFR 55 and determine if the project can comply with local, state and federal standards for building in the applicable flood hazard zone and ensure participation in the National Flood Insurance Program per Part 58.6(a). If this is not possible, the applicant is ineligible.
 - b. Is the site in an Airport Runway Clear Zone or Clear Zone, as defined in 24 CFR Part 51? If yes, the applicant is ineligible.
- 9. Recommendation for Award
 - a. Applications that meet the requirements described in this section and Section 5.e. will be recommended for award if no other applications are submitted within five or fewer business days of the date of submission of the original application.
 - b. If two or more applications are received within five or fewer business days of one another, the applications will be scored and ranked as described in Section 5.e.

7.b.iii. Scoring

If two or more applications that are eligible for a recommendation for award, as described in Section 7.b.ii. above, are received within five or fewer business days of one another, within four weeks after receipt of complete applications, each application that has been determined to be eligible will be scored in accordance with the scoring criteria in Section 5 of this RFP. Applications will then be ranked from highest to lowest score. All eligible applications will receive a recommendation for award if there is adequate funding. If there is inadequate funding, the projects with the lowest scores will not receive an award.

7.b.iv. Underwriting and Cost Reasonableness

If two or more applications are received within five or fewer business days of one another, within five weeks after the application due date or receipt of a complete application, an underwriting and cost reasonableness review of the application will be conducted. The County will use the DR-MHP HCD Project Underwriting Checklist and the HCD Uniform Multifamily Regulations (California Code of Regulations, Section 8300-8318) as guides when conducting underwriting review. Based on reviews up to this

point, the County will send a list of questions to each Applicant Developer. The Applicant Developer will have three business days to respond to the list of questions.

7.b.v. Funding Award

All eligible applications will receive a recommendation for award to the extent there is adequate funding. If there is inadequate funding to fund all eligible applications, the projects with the lowest scores will not receive an award. The selection committee may include representatives from the County Administration and Development Services departments of the County. The County may discuss the application, draft scope of work, terms and conditions and pricing with the prospective firm as a part of the selection process. The County will send each project recommended for award to HCD for review and approval. At this point in the application review process, the County may have additional questions for the Applicant Developer generated by the HCD review. The Applicant Developer will have three business days to respond to any additional questions. All projects approved by HCD for award will then receive a Conditional Commitment letter.

7.b.vi. Conditional Commitment Letter

Conditional Commitment Letters will award funds contingent on a number of items, which may include but may not necessarily be limited to:

- Completion of the NEPA review process and securing an Authority to Use Grant Funds from HCD or HUD;
- Securing all permits necessary to build the project;
- Securing all funding commitments necessary to build the project; and
- Execution of DR-MHP Loan Documents as described below in Section 7.d.

7.b.vii. Firm Commitment Letter

Firm Commitment Letters will be issued by HCD after the Developer has satisfied all conditions in the Conditional Commitment Letter and prior to start of construction.

7.b.viii. Potential Supplemental Funding

In the event that County increases the funds allocated to the Program, the County reserves the right at its option to re-consider acceptable applications submitted for the Program which were not previously funded, or applications requesting augmented DR-MHP funding, without the need of re-opening the Program for additional applications.

7.c. Appeals Process

For an appeal to be considered, the appeal must be made in writing, signed by the Applicant Developer's authorized representative, and mailed to:

Casey Hatcher
Deputy, Chief Administrative Officer
Butte County Administration
25 County Center Drive, Suite 200
Oroville, California 95965-3413

The County reserves the right to refuse to consider appeals that do not follow these procedures. Appeals must be received by the County no later than five calendar days after the Applicant Developer is notified of the County's award recommendations.

Appeals must include the following information:

- The name, address, telephone number, and email address of the party appealing the decision
- The signature of the authorized representative of the appealing party
- A detailed and specific statement of the factual grounds for the appeal
- The form of relief requested

The County Chief Administrative Officer will review and provide a response to the appeal within five calendar days of receipt. This determination will be final.

7.d. RFP Correspondence

7.d.i. County Contact Information

Any and all communication regarding this RFP shall be in writing and directed to:

Casey Hatcher
Deputy, Chief Administrative Officer
Butte County Administration
25 County Center Drive, Suite 200
Oroville, California 95965-3413

7.d.ii. Questions

Questions and requests for clarification may only be submitted by e-mail to cdbgdr-mhp@housing-tools.com. Verbal and phone inquiries will not be answered. All questions and requests for clarification shall be submitted no later than **January 28 at 5:00pm**. The County will provide answers and clarifications by posting an addendum(s) on the RFP website at <http://www.buttecounty.net/economicdevelopment/CDBGDR-MHP> by **February 2, 2022** so all Responders receive consistent information. It is the responsibility of all interested firms to access the RFP website for this information.

8. FEDERAL AND STATE REQUIREMENTS

The following federal and state requirements apply to DR-MHP funded projects.

8.a. Environmental Review

Funded projects must comply with the following environmental review regulations.

8.a.i. 24 CFR 58

The County will maintain an Environmental Review Record (ERR) in compliance with this regulation. A successfully completed ERR will require a public comment period administered by the County prior to submitting a Request for Release of Funds (RROF) from HCD or HUD. After receipt of an RROF compliant with these regulations, HCD or HUD will conduct a public comment period prior to issuing an Authority to Use Grant Funds (AUGF). Prior to receipt of the AUGF, the Developer may not undertake any choice-limiting actions, including property acquisition, demolition, tenant relocation, rehabilitation, conversion, repair, or construction. Violations of this provision may result in the denial of any funds under this program. Developers are encouraged to ensure that site control exists for a sufficient period of time to allow environmental clearance process to be completed before property acquisition.

8.a.ii. National Environmental Policy Act of 1969 (NEPA); 40 CFR 1500-1508

An environmental review must be performed on the project prior to federal funds being committed or disbursed by HCD and Butte County. The environmental review shall document compliance with 24 CFR Part 58, NEPA, and all related laws, authorities, and executive orders.

8.a.iii. California Environmental Quality Act (CEQA); California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387

CEQA applies to activities of state and local public agencies that are defined by CEQA as “projects”. CEQA requires that California State and local agencies follow a protocol of analysis and public disclosure of environmental impacts of proposed projects and adopt all feasible measures to mitigate those impacts.

8.b. Labor Standards

8.b.i. Davis Bacon and Related Acts (DBA, CWHSSA, FLSA)

As required by Section 110 of the Housing and Community Development Act, and as outlined in HUD Handbook 1344.1 Rev 2, Federal Labor Standards Requirements in HUD Programs, Applicant Developers are responsible for ensuring compliance with Davis-Bacon (DBA) requirements as well as the Copeland Anti-Kickback Act, the Contract Work Hours and Safety Standards Act (CWHSSA) and the Fair Labor Standards Act (FLSA) collectively referred to as Davis Bacon and Related Acts (DBRA). In general, DBRA requires payment of prevailing wages to laborers and mechanics on contracts, financed

in whole or in part with CDBG-DR funds, that involve construction work valued in excess of \$2,000 or on residential Projects that include eight (8) or more units.

8.b.ii. M/WBE

Per 2 CFR 200.321, Developers must take all necessary affirmative steps to ensure that minority business, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
5. Using the services and assistance, as appropriate, of such organizations as the SBA and the Minority Business Development Agency of the Department of Commerce
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above
7. County will be required to collect information from all contractors and Developers and report all contracts and subcontracts awarded to minority businesses, women’s business enterprises and labor surplus area firms to HCD on an annual basis.

8.b.iii. Section 3

Section 3 is a provision of the HUD Act of 1968 (implementing regulation at [24 CFR Part 75](#)) that helps foster local economic development, neighborhood economic development, and individual self-sufficiency. Section 3 requires recipients of HUD housing and community development financial assistance to provide job training, employment and contracting to the greatest extent feasible, for low- or very low-income residents in connection with projects and activities in their neighborhoods. Projects assisted with DR-MHP funds in excess of \$200,000 trigger Section 3 requirements. When triggered, best efforts must be made to extend Section 3 opportunities to verified Section 3 residents and business concerns to meet these minimum numeric goals: (1) Twenty-five percent (25%) of the total hours worked on a Section 3 project must be worked by Section 3 workers; and (2) Five percent (5%) of the total hours worked on a Section 3 project must be worked by Targeted Section 3 workers.

The Subrecipient and the Subrecipient's Contractors and Developers shall comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulation at 24 CFR, Part 75. The responsibilities outlined in 24 CFR Part 75.19 include:

- Implementing procedures designed to notify Section 3 workers about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance.
- Notifying potential Contractors for Section 3 covered projects of the requirements of Part 75, Subpart C and incorporating the Section 3 clause set forth below in all solicitations and contracts.

Section 3 Clause

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The parties to this contract agree to comply with HUD's regulations in 24 CFR, Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.

The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75 and agrees to take

appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

The contractor acknowledges that subrecipients, contractors, and subcontractors are required to meet the employment, training, and contraction requirements of 24 CFR 75.19, regardless of whether Section 3 language is included in recipient or subrecipient agreements, program regulatory agreements, or contracts.

The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 75. Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

The contractor agrees to submit, and shall require its subcontractors to submit to them, annual reports detailing the total number of labor hours worked on the Section 3 Project, the total number of labor hours worked by Section 3 Workers, and the total number of hours worked by Targeted Section 3 Workers, and any affirmative efforts made during the quarter to direct hiring efforts to low- and very low-income persons, particularly persons who are Section 3 workers and Targeted Section 3 workers.

The Developer's Project Completion Report shall also include a Section 3 Summary Report of the total number of labor hours worked by all contractors and subcontractors, the total number of labor hours worked by Section 3 workers, and the total number of labor hours worked by Targeted Section 3 workers, as required pursuant to 24 CFR 75.25(a). In the event that the number of Section 3 worker labor hours divided by the total labor hours worked by all workers on a Section 3 project does not meet or exceed HUD's Twenty-five percent (25%) standard, and/or that the number of Section 3 targeted worker labor hours divided by the total labor hours worked by all workers on a Section 3 project does not meet or exceed HUD's Five percent (5%) standard, Subrecipient shall provide additional reporting on the qualitative nature of its activities and those its contractors and subcontractors pursued, as defined at 24 CFR 75.25(b). The standards for hours worked by Section 3 Workers and Targeted Section 3 Workers are subject to change by HUD as published in the Federal Register.

8.c. Equal Opportunity Requirements

8.c.i. Title VI of the Civil Rights Act of 1964

This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination based on race, color, and/or national origin under any program or activity receiving federal financial assistance.

8.c.ii. Title VII of the Civil Rights Act of 1968

This act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promote fair housing.

8.c.iii. Restoration Act of 1987

This act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, Disability or age in a program or activity which does not directly benefit from such assistance.

8.c.iv. Section 109 of Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. 53091)

This Section of Title 1 provides that no person shall be excluded from participation (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title 1 of the Act.

8.c.v. The Fair Housing Amendment Act of 1988

This act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthen punishment for acts of housing discrimination, expand the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts, and create an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.

8.c.vi. The Age Discrimination Act of 1975

This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any State law currently in effect on the same topic.

8.c.vii. Section 504 of the Rehabilitation Act of 1973

It is unlawful to discriminate based on Disability in federally assisted programs. This Section provides that no otherwise qualified individual shall, solely by reason of his or

her Disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance. Section 504 also contains design and construction accessibility provisions for multi-family dwellings developed or substantially rehabilitated for first occupancy on or after March 13, 1991.

8.c.viii. The Americans with Disabilities Act of 1990 (ADA)

This act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against "a qualified individual with a Disability" in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.

8.c.ix. Executive Order 11063

This executive order provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the federal government.

8.c.x. Executive Order 11259

This executive order provides that the administration of all federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities throughout the United States.

8.c.xi. The Equal Employment Opportunity Act

This act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings federal, state, and local governments under the Civil Rights Act of 1964.

8.c.xii. The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978

This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal and referral. It is designed to assist employers, labor organizations, employment agencies, licensing, and certification boards in complying with the requirements of federal laws prohibiting discriminatory employment.

8.c.xiii. The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002)

This act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.

8.c.xiv. Executive Order 11246

This executive order applies to all federally assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race.

8.d. Duplication of Benefits

A Duplication of Benefits (DOB) occurs when a program beneficiary receives assistance from multiple sources for a cumulative amount that exceeds the total need for a particular recovery purpose. The amount of the duplication is the amount of assistance provided in excess of the need. It is HCD's responsibility to ensure that the DR-MHP provides assistance only to the extent that the disaster recovery need has not been fully met by funds that have already been paid, or will be paid, from another source. The Developer must report all disaster recovery funds obtained from any source from the date of the disaster until the Project is completed. Additionally, HCD, in coordination with the County, will perform a check for DOB prior to issuing a Notice to Proceed to ensure that duplicative assistance is not provided for multifamily housing. HCD also reserves the right to require that the County perform additional DOB checks throughout the course of the Approved Project's period/performance, up to and through the closeout of each Approved Project, to ensure there is no duplicative assistance throughout the course of the Approved Project. Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

8.e. Uniform Relocation Assistance and Real Property Acquisition Act

The URA contains requirements for carrying out real property acquisition or the displacement of a person or business, regardless of income status, for a project in which HUD financial assistance is provided. The implementing regulations, 49 CFR Part 24, include steps which must be taken with tenant occupants, including those who will not be impacted by the HUD assisted activity. The one for one-replacement provisions of Section 104(d) of the Housing and Community Project Act of 1974 as amended are not applicable. The remaining requirements of Section 104(d) are applicable.

Subrecipients and Developers must comply with all applicable federal, state, and local relocation law. Pursuant to relocation law, a Developer must have a relocation plan prior to proceeding with any phase of a project or other activity that will result in the displacement of persons, businesses, or farm operations. To ensure that displaced persons and entities do not suffer a disproportionate impact as a result of projects which benefit the public, all notices to vacate and relocation services must be provided to them in accordance with applicable law. In

addition, before the CDBG-DR Project funds will be disbursed, the Approved Project must have either:

- a. An HCD-approved relocation plan; or
- b. An HCD-issued Certification Regarding Non-Application of Relocation Benefits and Indemnification Agreement, which has been duly executed and approved by HCD.

Where the Developer's activities will or may result in displacement, the Developer's development budget shall include enough funds to pay all costs of relocation benefits and assistance. Any modifications to the foregoing process requirements must be approved in advance by HCD in writing.

8.f. Prohibition Against Eminent Domain

Per the Federal Register Notice, no funds allocated to a County may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use as defined in 83 FRN 40314.

8.g. Affirmatively Further Fair Housing

The County and Developer shall affirmatively further fair housing, in accordance with the Civil Rights Act of 1964 (42 U.S.C 2000a, et seq.), and the Fair Housing Act (42 U.S.C. 3601, et seq.), according to 42 U.S.C. 5306, et seq. and in compliance with California Gov. Code sections 65583, et seq. and 8899.5, et seq.), as each may be amended from time to time. The County and Developer shall also comply with the Fair Housing Amendment Act of 1988 (Public Law 100-430), as may be amended from time to time. DR-MHP applications must include an Affirmative Marketing Plan developed using the Affirmative Fair Housing Marketing Plan Form HUD-935.2A. Affirmative marketing efforts must begin at least 90 days prior to initial or renewed occupancy for new construction and Substantial Rehabilitation Projects, respectively. HCD has determined that in addition to the required demographic analysis, individuals and families that were impacted by the disasters, low-income immigrants, persons with limited English proficiency, and Section 8 Housing Choice Voucher holders are least likely to apply. These groups should be included in the marketing plan.

8.h. Building Standards

8.h.i. California Building Codes

All residential construction Projects shall comply with the housing construction codes of the State of California, including all units developed under DR-MHP. Housing construction codes for building in California follow federal and state laws, regulations,

and adaptations for construction of single family and multifamily units.

8.h.ii. CalGreen

CALGreen is California's first green building code, enacted as mandatory in 2011. CALGreen applies to the planning, design, operation, construction, use, and occupancy of nearly every newly constructed building or structure in the state, as well as additions and alterations to existing buildings that increase the building's conditional area, interior volume, or size. All Developers are required to follow CALGreen requirements for construction permits and approvals. The County (as Subrecipient) shall ensure access to local verifications that demonstrate CALGreen compliance in the Project plans and in the constructed development at construction close out. The [CALGreen requirements](https://www.hcd.ca.gov/building-standards/calgreen/index.shtml) and [checklist](https://www.hcd.ca.gov/building-standards/calgreen/index.shtml) are available on the State website at <https://www.hcd.ca.gov/building-standards/calgreen/index.shtml>.

8.h.iii. Sustainability Requirements

All rehabilitation, reconstruction, and new construction must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigating the impact of future disasters. Wherever feasible, the State of California follows best practices, such as those provided by the U.S. Department of Energy, Home Energy Professionals: Professional Certifications and Standard work specifications. The State of California intends to promote high quality, durable and energy efficient construction methods in areas impacted by the 2018 fires. In May 2018, the California Energy Commission adopted new building standards that will require all newly constructed homes to include solar photovoltaic systems, effective January 1, 2020. Homes built with the 2019 standards will use approximately 53 percent less energy than those built under current 2016 standards.

8.h.iv. National Floodplain Elevation Standards

Developers must comply with the national floodplain elevation standards for new construction, repair of substantially damaged structures, or substantial improvements to residential structures in flood hazard areas. All structures designed for residential use within a 100-year (or one percent annual chance) floodplain will be elevated with the lowest floor at least two feet above the base flood elevation level and comply with the requirements of 83 FR 5850 and 83 FR 5861 as well as Executive Order 11988 and 24 CFR Part 55. Additionally, Developers with Projects approved to build within a 100-year floodplain must obtain and maintain flood insurance in perpetuity, per part 24 CFR Part 58.6, as a condition of federal assistance.

8.h.v. WUI Codes

In accordance with the Federal Register Notice requirement to support the adoption and enforcement of modern and/or resilient building codes and mitigation of hazard risk, structures located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland Urban Interface Fire Area designated by the enforcing agency must comply with WUI codes,

found in Title 24, Chapter 7a of the California Building Code, which offer specific material, design and construction standards to maximize ignition-resistance.

8.h.vi. Broadband Infrastructure

Per 83 FRN 40314, any Substantial Rehabilitation or new construction of a building with more than four rental units must include installation of broadband infrastructure, except where the County documents that: 1) The location of the new construction or Substantial Rehabilitation makes installation of broadband infrastructure infeasible; 2) The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or 3) The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

8.h.vii. Resilient Home Construction Standards

Developers are strongly encouraged to incorporate Resilient Home Construction Standards, meaning that all non-substantial or Substantial Rehabilitation or new construction meet an industry-recognized standard such as those set by the FORTIFIED Home Silver and Bronze levels.

8.h.viii. Lead Based Paint Hazards

Activities performed with assistance provided by HCD are subject to lead-based paint hazard regulations contained in Title 8 (Industrial Relations) and Title 17 (Public Health) of the CCR and 24 CFR, Part 35 (Lead Disclosure). Any grants or loans made by the County with assistance provided under this program shall be made subject to the provisions for the elimination or mitigation of lead-based paint hazards under these regulations. The County shall be responsible for the notifications, inspections, and clearance certifications required under these regulations.

8.i. Article XXXIV

Each DR-MHP application must show that the proposed Project is in compliance with article XXXIV, section 1 of the California Constitution (“Article XXXIV”), or that it falls within one or more of the statutory carveouts set forth by California’s Public Housing Election Implementation Law (PHEIL) (Health & Safety Code, § 37000 – 37002). For instance, some Projects will be exempt from Article XXXIV on the basis of Health and Safety Code section 37001, subdivision (f), because they consist of the “replacement” of “dwelling units of a previously existing low-rent housing project, or a project previously or currently occupied by lower income households. The County must provide Article XXXIV documentation in the form of either an Article XXXIV allocation letter or an Article XXXIV opinion from their legal counsel.

8.j. Anti-Lobbying

The Developer is required to make the following certifications regarding anti-lobbying in compliance with 31 U.S.C. § 1352.

No federal appropriated funds have been paid or will be paid, by or on behalf of it, 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 Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

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 Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

8.k. Recapture Requirements

In compliance with Section 4.5 of the CDBG-DR MHP Policies & Procedures, Applicant Developers may be required to repay all, or a portion of, DR-MHP funds received in the event of non-compliance. Reasons for recapture include, but are not limited to:

- The Applicant Developer does not comply with the terms of the Loan Documents
- The funded project fails to meet a National Objective;
- The funded project fails to meet Affordable Unit requirements during the loan term;
- DR-MHP funds are used for ineligible activities or costs;
- The Applicant Developer does not report the receipt of additional funding that impacts the Duplication of Benefits analysis; or
- Funds remain undisbursed after the project is completed or beyond the expenditure deadline.

9. COUNTY NOTICES AND DISCLOSURES

9.a. County Notices

All Applicant Developers responding to this RFP should note the following:

- All work performed for Butte County, including all documents associated with the project, shall become the exclusive property of Butte County.

- The selected firm is expected to perform and complete the project in its entirety.
- Any and all costs including travel, arising from development and delivery of a response to this RFP incurred by any Applicant Developer shall be borne by the Applicant Developer without reimbursement by Butte County.
- The selected Applicant Developer agrees to file tax returns and pay all applicable taxes on amounts paid pursuant to this Contract.
- The opening of applications in response to this RFP is not subject to attendance by the general public. This restriction is necessitated by the fact that the contract award is subject to negotiations, and it would be unfair for competing Applicant Developers to know the prices quoted by one another.
- Issuance of this RFP in no way constitutes a commitment by the County to award funds. If the County determines it is in its best interest to do so, no Applicant Developer may be selected and no contract may be executed.
- Upon acceptable negotiations and contract award, the Respondent shall be required to execute the Loan Documents and comply with County insurance requirements.
- The County reserves the right to request additional information from Applicant Developers that have submitted a response to this RFP.
- The County reserves the right to reject any or all applications received if the County determines that it is in its best interest to do so. Further, the County may cancel or amend this RFP at any time and may submit similar solicitations in the future.
- The County may request clarification of any submitted information and may request additional information on any or all responses provided and may waive minor inconsistencies deemed to be irrelevant.
- The withdrawal of any application must be made in writing prior to the required submission date and time, and must be signed by an authorized representative of the Applicant Developer. An error in the submission may cause the rejection of that application. However, the firm may reissue a new or modified application prior to the date and time required for submission.

9.b. County Disclosure Information

All information and materials submitted to the County in response to this RFP may be reproduced by the County for the purpose of providing copies to authorized County personnel

involved in the evaluation of the applications, but shall be exempt from public inspection under the California Public Records Act until such time as loan documents are executed and a Notice to Proceed is issued. Funding awards are a matter of public record. Once loan documents are executed and a Notice to Proceed is issued, applications submitted in response to this RFP are subject to public disclosure as required by law. Your submission of an application is considered your consent to the County's disclosure of the application. The County shall not be liable for disclosure of any information or records related to this procurement.

EXHIBIT A

Please see separately attached Exhibit A