

JEFFERSON COUNTY COMMISSION



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

December 10, 2015

RE: Request for Proposals
Special Needs Rental Housing
for the Elderly

Proposing Firms:

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

As part of its housing initiatives, Jefferson County has the opportunity to address the largely unaddressed need for Special Needs Rental Housing for elderly lower income citizens. The purpose of the Request for Proposals (RFP) is to encourage the development of affordable rental housing specifically designed to meet the special needs of the lower income elderly. To achieve this goal, Jefferson County is willing to consider innovative ways that HUD funds can be used as a financing source to make this goal a reality. Jefferson County may make a *preliminary award* in compliance with HUD Notice: CPD-15-09 of up to \$500,000.00 in HOME funds.

The RFP is specifically for Non-Profit Developers (501(c)(3)) or For-Profit Developers with a **strong history** of successfully developing and managing affordable rental housing. Priority will be given to proposals which place special emphasis on the security and accessibility needs of the elderly. Community Housing Development Organization (CHDO) designation may also be requested under this RFP if in conjunction with a rental proposal. Organizations **must** meet the more stringent HUD

CHDO requirements under the new 2013 HOME Program rule to be considered for designation.

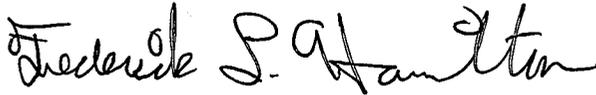
The complete RFP is enclosed and may also be viewed on the Jefferson County Office of Community & Economic Development website at <http://jeffconline.iccal.org/comdev/home/Home.html>. To receive a complete copy of the RFP via email, please contact Ms. Cheryl Collier at collierc@iccal.org. Copies of the complete RFP can also be picked up at the following address:

Jefferson County Office of Community & Economic Development
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203

Additional information or clarification about this request can be obtained by calling Ms. Lynn McKinley Smith or Ms. Cheryl Collier of Community & Economic Development at (205) 325-5761. Sealed proposals must be submitted to Community & Economic Development (in-hand) by no later than **5:00 P.M. on January 11, 2016**.

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

Sincerely,



Frederick Hamilton
Director

REQUEST FOR PROPOSALS

BY

THE

**JEFFERSON COUNTY OFFICE
OF
COMMUNITY & ECONOMIC DEVELOPMENT**

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

**SPECIAL NEEDS RENTAL HOUSING
FOR THE ELDERLY**

**JEFFERSON COUNTY, ALABAMA
December 10, 2015**



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PURPOSE OF REQUEST FOR PROPOSALS

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

One of the critical housing needs which these programs are designed to meet is that of Special Needs Housing for Elderly lower income* citizens. Housing should specifically address such areas as security and accessibility while being in areas where there is a clear and recognizable shortfall of such housing. Such housing should further be convenient to shopping, entertainment and medical services.

The purpose of this Request for Proposals is to encourage the development of Special Needs Housing for lower income* elderly citizens. To achieve this goal, Jefferson County is willing to consider proposals for the use of HUD funds as a permanent financing source and may be used in conjunction with other sources of financing compatible with HOME Program regulations such as Low Income Housing Tax Credits (LIHTC).

Community Housing Development Organization (CHDO) designation may also be requested under this RFP. Organizations **must** meet the more stringent HUD requirements under the new 2013 HOME Program rule to be considered for designation.

*HOME rules require that at a minimum, 20% of rental units must be occupied and affordable to qualified tenants at or below 50% of median household income as defined by HUD. The remaining units must be occupied by tenants at 60% or less of median household income as define by HUD.

APPLICATION REQUIREMENTS AND DEADLINES

One original (so marked) and one (1) copy of each application must be submitted in separate 3 ring binders and tabbed and numbered as indicated. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

AHFA forms with the requested information are acceptable.

A \$1,500 non-refundable fee must accompany the application. *The fee must be in the form of a check (no cash accepted). If the application fee is returned due to insufficient funds, the*

application will terminate. Regardless of the funding decisions, the application fee is non-refundable.

Sealed proposals must be submitted to the Office of Community & Economic Development (in-hand) at the below address by no later than **5:00 P.M. on January 11, 2016** for those seeking to also apply for funding in the 2016 Alabama Housing Finance Authority (AHFA) Low-Income Housing Tax Credit Application cycle. Proposals that do not include AHFA funding may be submitted at any time throughout the program year. If submitted outside of an RFP period, the County may consider an application based on the availability of funding, or such applications will be reviewed as a part of the County's next Rental Housing RFP process. Please clearly mark "Proposal For 2016 Rental Housing Development."

Submit proposals to the address below:

Jefferson County Office of Community & Economic Development
Suite A-430
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Al. 35203

Copies of the complete Request for Proposals can be picked up at the above-address or requested via e-mail to Cheryl Collier at collierc@jccal.org. All requests by means other than by in-person visits to the above noted Office will be responded to via e-mail or United States Postal Service. All questions should be addressed to Lynn McKinley Smith or Cheryl Collier at (205) 325-5761.

PROPOSALS THAT UTILIZE LOW INCOME HOUSING TAX CREDITS

This Request for Proposals applies to Alabama Housing Finance Authority's 2016 and 2017 LIHTC application cycle.

SERVICE AREA

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

FUNDING CONTINGENCIES

All funding is contingent upon an Environmental Review, HUD approval of the Jefferson County, Alabama Five-Year Consolidated Plan (PY 2015-2019) and One-Year Action Plan (PY 2015), a Release of Funds from HUD and the approval of the Jefferson County Commission.

Funding of Proposals will further be contingent upon receipt of federal HOME funds from the U.S. Department of Housing & Urban Development (HUD). Should Jefferson County's HOME allocation be reduced or eliminated, no claim may be made against the Jefferson County General Fund or other resources regardless of the status of the proposal(s) or issuance by the County of a Commitment Letter(s) for HOME funding. As a Participating Jurisdiction, Jefferson County is responsible for the administration of

the HOME Program under federal HOME regulations and HUD requirements. It is the intent that this RFP be issued and proposals underwritten in compliance with said regulations and requirements (see the new HOME Program Final Rule published July 24, 2013). HUD is in the process of updating HOME Program Notices and other guidance to reflect changes in the regulations/requirements. Should the regulations and requirements change at any time, the County reserves the right to alter its Program to ensure compliance up to and including terminating any Commitment issued if the project does not meet new HOME regulations and/or HUD requirements. The County, its elected officials, employees and agents shall not be held responsible or liable for any losses incurred from claims, suits, damages, and costs and expenses of any kind or of any nature that any Proposing Firm may suffer, incur or pay arising out of decisions by the County concerning any proposal, application, loan decision(s), or action(s) associated with the administration of the HOME Program.

GOOD STANDING

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

NUMBER OF UNITS

Although there is no maximum, the number of units proposed must be substantiated by a market study, appropriate for the site size and conditions, and meet financing and underwriting criteria.

AVAILABLE FUNDING AND LIMITATIONS PER UNIT

Jefferson County may make a *preliminary award* in compliance with HUD Notice: CPD-15-09 of up to \$500,000.00 in HOME funds. The HOME investment may not exceed HOME maximum per unit subsidy limits including project soft costs incurred by Jefferson County and any State HOME funds committed to the project (if applicable). The County will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable.

FEES

- Application Fee: \$1,500.00
- Annual Compliance Monitoring Fee: \$2,500.00 during the Affordability Period (must be included in pro forma)
- Loan Closing Costs: The borrower is responsible for all closing costs incurred in connection with any HOME Program loan(s), inclusive of all Jefferson County-appointed attorney's costs.

RENT AND INCOME RESTRICTIONS

To qualify as affordable housing, HOME units must be rented only to households with certain incomes at rents regulated by the program to be affordable to low income households. Please note that HUD sets rent and income limits annually and are subject to change. The rent limits will be stipulated in the development agreement. Income limits in effect at lease-up shall apply.

Current HOME rent limits for the Birmingham-Hoover MSA are available at https://www.hudexchange.info/resource/reportmanagement/published/HOME_RentLimits_State_AL_2015.pdf

Current HOME income limits for the Birmingham-Hoover MSA are available in Appendix C and at https://www.hudexchange.info/resource/reportmanagement/published/HOME_IncomeLimits_State_AL_2015.pdf

HOME rules require that at a minimum, 20% of rental units must be occupied and affordable to qualified tenants at or below 50% of median household income as defined by HUD. The remaining units must be occupied by tenants at 60% or less of median household income as defined by HUD. HOME Program rent restrictions also apply. Additional points will be awarded for rent affordability and/or rental subsidies. Project must remain compliant throughout the applicable HOME Period of Affordability. Additional points will be awarded for projects that commit in writing to an extended compliance period beyond the minimum required by HUD regulations.

HOME PROGRAM PERIOD OF AFFORDABILITY - ENFORCEMENT

Projects funded under the HOME Program are subject to a compliance period of up to 20-years known as the Period of Affordability (see 24 C.F.R. 92.252). Failure to comply with all HOME requirements during this time shall be a condition of default under the loan documents executed at closing. In addition, Jefferson County requires that a Declaration of Restrictive Covenants be filed in Probate Court. The County's HOME declaration must be recorded senior to all financing liens and junior only to the AHFA LIHTC restrictions, as applicable. Applicants must ensure proposed lenders will agree to the recording order and structure of the declaration such that HOME restrictions will be binding upon future owners following any foreclosure.

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

The HOME program strives to promote partnerships between local government and nonprofit organizations and expand nonprofit organizations' capacity to develop and manage decent and affordable housing. To assist in achieving these purposes, the County is required to reserve not less than 15 percent of its HOME allocations for investment in housing to be developed, sponsored, or owned by Community Housing Development Organizations (CHDOs). A CHDO is a specific type of nonprofit organization as defined in 24 CFR part 92. Although many nonprofit organizations share common characteristics with CHDOs, not all non-profits qualify as CHDOs under the HOME program. Only nonprofit organizations that have been certified by the County as CHDOs can receive funds from the County's minimum 15 percent set-aside.

To qualify for the CHDO set-aside on a project using Low Income Housing Tax Credits, the CHDO or a wholly-owned subsidiary of the CHDO must be the sole general partner (if a limited partnership) or sole managing member (if a limited liability company) of the project's ownership entity.

Prior to committing funds under this RFP, the County will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff capacity to carry out the project.

Organizations **must** meet the more stringent HUD requirements under the new 2013 HOME Program rule to be considered for designation. The County's CHDO Threshold Requirement Checklist is included and is a required submission item for any entity seeking CHDO status. Organizations that meet the requirements to be certified as CHDOS will receive points under the scoring criteria.

UNDERWRITING ASSUMPTIONS:

- Vacancy: 7%
- Rent Increase: 2%
- Operating Expenses Increase: 3%
- Minimum Debt Coverage Ratio (DCR) over the 20-year pro forma analysis: 1.20:1
- Average Cash Flow as percentage of projected operating expenses over the 20-year proforma analysis shall generally not exceed 10%
- Replacement Reserve Requirement: \$250/unit for 20 years
- Operating Expenses Per Unit (including reserves): \$4,250.00

RELOCATION OF OWNERS, TENANTS OR BUSINESSES

Relocation is not permitted for new construction. If rehabilitation, a Temporary Tenant Relocation Plan during construction must be submitted if relocation required for scope of work. Disruption of tenants shall be kept to a minimum. Permanent relocation of tenants will not be allowed.

MBE/WBE PARTICIPATION

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

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

SECTION 3

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

CODE OF CONDUCT

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

SELECTION CRITERIA

The preliminary funding commitments resulting from this Request for Proposals shall be determined by a scoring system including, but not necessarily limited to, the factors shown below. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a reservation or commitment of HOME funds or other funds in any amount. Jefferson County will, in all instances, reserve and commit funds consistent with sound and reasonable judgment, prudent business practices and the exercise of its inherent discretion to ensure that:

- Developers awarded funds are both capable and fiscally sound;
- The neighborhood market will support the proposed housing; and
- The project's financial assumptions and projections are reasonable, have adequate sources for construction and permanent financing, and meet subsidy layering considerations.

Points will be designated for each factor of consideration with a maximum score of 100 points. Applicants may qualify for up to 80 Extra Points. Extra points requested must be identified by applicant to receive credit.

Developer experience and financial capacity - up to 40 points.

Experience in the development and management of projects of a similar type and scope, staff qualifications, and the overall quality of the application for this project. Applicant's current financial statement/independent audit will be reviewed for financial capacity and soundness.

Strength of Pro Forma and Financial Proposal – up to 30 points.

The applicant's pro forma will be reviewed against the *Underwriting Assumptions* listed above for compliance and strength. Rankings will reflect the strength of the overall financial proposal including the combination and availability of other non-HOME funds.

Projected Rents and Design/Amenities - up to 30 points.

Projected rents as well as design and amenity considerations will be looked at closely. Each proposal will be compared to our minimum requirements and to each other to determine which proposals(s) are the strongest. Provide gross rents, utility allowance calculations (specify type and source of all utility service, e.g. all electric/Alabama Power, and indicate if owner or tenant paid), and net rents for each bedroom size. Proposed rents must be supported by the market study.

Extra Points

1. Energy Efficiency - up to 5 points
2. Innovative Design - up to 5 points
3. Low Maintenance - up to 5 points
4. Amenities/Resident Services - up to 5 points
5. Agreement to Extend Compliance Period - up to 10 points
6. Additional Public/Private Financing - up to 10 points
7. Qualifying HOME Match and/or Program Income - up to 10 points
(Extra points will be awarded for projects with qualifying HOME Program Match (see 24 C.F.R. 92.220 and HUD CPD Notice 97-03 at <https://www.hudexchange.info/resources/documents/Notice-CPD-97-03-HOME-Program-Match-Guidance.pdf>) and/or provide HOME program income to the County through fully or partially amortizing permanent loans.)
8. Rent Affordability/Availability and Amount of Rental Subsidies - up to 10 points
9. Additional Units Set-Aside For <50% Median Income Tenants Above 20% Minimum - up to 10 points
10. CHDO Status - up to 10 points

Extra points will be awarded for additional public/private funds leveraged. Additional points will also be awarded for projects with qualifying HOME Program Match (see 24 C.F.R. 92.220 and HUD CPD Notice 97-03 at <https://www.hudexchange.info/resources/documents/Notice-CPD-97-03-HOME-Program-Match-Guidance.pdf>) and/or provide HOME program income to the County through fully or partially amortizing permanent loans;

BASIC MINIMUM REQUIREMENTS

The Jefferson County Office of Community & Economic Development requires that developers submitting proposals do so in the manner prescribed below. This information should substantiate the capacity and ability of the developers to provide financing, marketing and the management capacity for Affordable Special Needs Rental Housing for the lower income elderly. It is also important to list projects completed of a similar nature that demonstrate this capability. Priority will be given to proposals submitted by developers who have a strong history of successfully completing and managing Affordable Rental Housing. Rental developments must be under common ownership, deed, financing and property management.

Any proposal submitted without all of the information requested below will be considered incomplete and non-responsive. Additional time may be granted for submission of reports prepared by third parties (i.e. Phase I, Market Study, etc.) if requested in writing at time of submission. As the exact deadline for AHFA applications is not yet known, the County reserves the right to set a final date to accept such reports at a later date to allow time for processing.

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

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

One original (so marked) and one (1) copy of each application must be submitted in separate 3 ring binders and organized as requested below. Additional information pertinent to the application may be submitted at the rear of the application. In addition, please provide another copy in electronic format.

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

TAB-A: PROJECT DESCRIPTION

1. An Executive Summary should contain a brief synopsis of the proposed development and contain number of units, location, project costs and the proposed financing. The Summary should also have a brief description of the proposed complex (frontal elevation and floor plan only-detailed drawings not required with RFP or photos of existing units), site map, tax map with site and Parcel ID# marked, proposed site plan, security arrangements, amenities and accessibility/adaptability provisions;
2. This RFP is for the development or rehabilitation of Special Needs Rental Housing for the Elderly. Projects must indicate whether age restrictions will be set at 55 or 62 years of age. The only exception to this requirement is an approved adult care-giver.
3. Rental housing applicants whose projects rely on the award of LIHTC must also submit one printed and one electronic copy of their completed AHFA application, including all attachments, no later than 10 business days after the AHFA application deadline.
4. Applicants that intend to apply for AHFA Low Income Housing Tax Credits must self-score their AFHA application and submit the results;

TAB-B: DEVELOPER CAPACITY

1. Provide names, addresses, resumes, professional certifications/licenses, and

DUNS Numbers of all members of the development team. List development team member(s) responsible for day-to-day project management through permanent loan closing and completion of lease-up. Provide references that the County may contact to verify experience;

2. Disclose any identity of interest and provide details of the relationship(s).
3. Provide resume of corporate experience in the development, marketing and management of similar type projects. If you propose to use a third party management company, please specify. Information should include a list of projects owned, developed and/or rehabilitated and managed, their locations and number of units.
4. Non-profits must provide proof of IRS 501 (c) (3) Status;
5. Provide proof that all members of the development team are registered with the System for Award Management (SAM);
6. If applying as a CHDO, complete and submit the included CHDO Application along with required documentation (CHDO status not required);
7. Provide certified copies of all of the organizational documents of all the entities involved in the project including Articles of Incorporation and Partnership Agreements;
8. Provide current financial statements for developer and any guarantor(s)
9. Most recent corporate audit or reviewed financial statement
10. Most recent tax return for developer (990s for non-profit developers)

TAB-C: FINACIAL

1. Sources and Uses of Funds (Please note that any allocation of HOME funds including all hard, soft and project delivery costs incurred by County plus any investment of State HOME funds, if applicable, cannot exceed the HUD 221(d)(3) limits);
2. Twenty (20) year Pro Forma;
3. Letter of Commitment from private lender for any construction and permanent financing. Applicants must authorize private lender(s) to release to the Jefferson County Office of Community & Economic Development the developer's corporate credit report (e.g. Dun & Bradstreet) or personal credit report (e.g. sole proprietors, S-corps, etc.)
4. Detailed construction budget including per unit cost and cost per square foot;

5. Estimate of all project soft cost

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

- The maximum allowable developer fee is 15% total development costs, including reserves required by County, private lender, investor or AHFA, but excluding the developer fee, developer overhead, or any developer consulting fees.
- Maximum allowed builder General Requirements, Overhead, and Profit are 6%/2%/6%. Projects of 25 units or fewer may aggregate General Requirements, Builder Overhead, and Builder Profit to a maximum of 20% of the construction contract.
- Architectural fees may not exceed 7% of total project hard costs.
- Acquisition costs are limited to fair market value as determined by a third party appraisal.

TAB-D: SITE INFORMATION

1. Submit proof of ownership (warranty deed) for the proposed development site or, if you do not have proof of ownership, you must submit proof of site control as evidenced by an option signed by the seller. Because of regulations that impact the varying lengths of the approval process for each property, it is strongly suggested that the applicant (i.) secure, at a minimum, a six-month purchase option with an option to renew for an additional six months and (ii.) obtain seller's written agreement not to disturb the site until all environmental issues have been cleared.
 - a. Please Note: Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the County. Developers may enter into option agreements (i.e., exclusive right of the buyer to purchase a property at a specific price within a specified time period

without obligation to purchase); or for acquisition of existing single family and multifamily residential buildings, a non-legally binding agreement (that establishes that there is no obligation on the part of the buyer to purchase the property, that acquisition will proceed only if the property is determined environmentally acceptable, and the deposit is a reasonable amount and refundable, or, if not refundable, is a nominal amount of the purchase price);

2. Uniform Relocation Act Voluntary Acquisition/Environmental Review Informational Notice to Seller on your letterhead (use language in sample letter attached or request a *Word* version by email). Deliver to Seller **Certified Mail, return receipt requested** noting the date of delivery and include receipt with copy of letter in your application. Please note that withholding information from the seller about the market value of property being purchased for a HUD funded project (as established by the appraisal or other valuation such as the market value as set by the Jefferson County Board of Equalization) violates the URA and will result in termination of your application.
3. Documentation of current property value from tax record or appraisal
4. Provide proof of infrastructure to support number of units proposed including existing paved road, utilities, etc. Please note that a letter regarding **sewer capacity** from Jefferson County Environmental Services and current sewer map is required prior to funding award. It is recommended that a letter be requested as early in the application process as possible to allow time for processing;
5. Provide evidence of permissive zoning or application for permissive zoning (permissive zoning must be in place prior to award);
6. A copy of the Title Insurance Commitment;
7. Flood Hazard Determination Form (FEMA Form 086-0-32) from a nationally recognized flood data service or from a licensed surveyor that no portion of the property is located within the 100-year flood plain;
8. Phase I Environmental Report which must comply in all respects with ASTM E1527-13, include a complete legal description of the site and a statement that the report can be relied upon by the Jefferson County, Alabama Office of Community & Economic Development (required for 4 or more units);
9. If rehabilitation of existing units, provide documentation of asbestos, radon and mold testing. In addition if property was constructed prior to 1978, provide documentation of lead-based paint testing or documentation that property was constructed after 1978. Provide estimate of remediation, if applicable.

TAB-E: MARKETING AND LEASING

1. Market Study conducted by an independent third party market analyst. A market analyst must be selected from the list accepted by the Alabama Housing Finance Authority for the 2016 application cycle found at www.ahfa.com. Other evidence of demand may also be submitted including applications/waiting lists from similar projects in the area and/or documentation of voucher/rental assistance availability.
2. Waiting list of interested tenants, if applicable.
3. If rehabilitation, rent roll of existing tenants with vacancy rate
4. Documentation of project-based rental assistance, if applicable
5. Fair Housing and Affirmative Marketing Plan (HUD Form 935.2A found at <http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>).
6. List of tenant services/activities

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

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

MINIMUM DEVELOPMENT REQUIREMENTS

1. Construction must meet all local codes including the 2015 International Building Code, 2015 International Residential Code and the 2015 International Energy Conservation Code with amendments as adopted by Jefferson County.

Please note that projects located within a municipal limit may be subject to more stringent codes. Please check with the Inspection Services Department of the city in which the project is located. In all cases, the most stringent code applies.

Plans/specifications/scope of work subject to County approval.

2. Each unit shall have a self-contained kitchen and bathroom. The units must be one or two bedroom. New or remodeled kitchens are to be fully equipped with refrigerator (15CF or larger self defrosting), self cleaning oven with attached or detached cook-top;
3. Units must be new construction or rehabilitation of ground level or elevator type units;
4. Units must be located on a single or contiguous site. Single family homes are not allowed;
5. Complex must have fully equipped laundry room or washer/dryer connections in each unit;
6. All projects must be designed and constructed in accordance with the applicable requirements of the 2010 Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Fair Housing Act. The minimum # of units required by Federal, State and local regulations must be fully accessible (certification by project architect required). Units for the sensory impaired are also required under the same regulations. All other newly constructed units must be fully adaptable;
7. New Construction must meet International Energy Conservation Code requirements (certification by project architect required). Extra points will be given to new complexes using Energy Star Appliances or as replacement appliances if needed in rehabilitation project;
8. Extra points will be awarded for amenities such as common areas (must comply with HOME Program rules to be eligible);
9. Complex overall design should be done with security in mind;
10. Grounds should be fully landscaped with emphasis on low maintenance plants;

11. Complex must be served by ClasTran and/or near public bus route;
12. Complex must be within reasonable access (i.e. ClasTran, public bus route and/or complex van) to shopping, entertainment, education and health services;
13. Permissive zoning or application for permissive zoning (permissive zoning must be in-place prior to award);
14. Site shall be served by public sewer, public water, and public road;
15. Site shall be in a designated Fire District or served by a municipal Fire Department;
16. Permitted Exterior Materials and Finishes:
 - A. Walls : Brick, Stone, Vinyl, Cement Fiberboard;
 - B. Glazing: Glass, Glass Blocks;
 - C. Trim: Metal Clad (enamel finish), Vinyl;
 - D. Roofing: Slate, concrete tile, clay tile, textured asphalt shingles, metal; and
 - E. Foundation: Brick, split-faced block or stucco or slab on grade.
17. Parking Area and Sidewalk Materials:
 - A. Sidewalk(s): Concrete
 - B. Parking Area: Concrete;
18. New or replacement hardware for doors: Lever handled;
19. Appliances: Oven/stove, dishwasher and refrigerator (15CF or bigger).

Note: Extra Points: Extra points will be given for innovative design, low maintenance, energy efficiency and amenities.

Lead-Based Paint: The use of lead-based paint is strictly prohibited.

APPENDIX A

Request for Proposals Advertisement

Legal Advertisement

Request for Proposals (RFP) Special Needs Rental Housing for the Elderly

The Jefferson County Commission receives funds from the United States Department of Housing & Urban Development (HUD) to address the housing needs of lower income residents of the Jefferson County Community Development Consortium. Per its Consolidated Plan, Jefferson County, through its Office of Community & Economic Development is soliciting Non-Profit (501 (c) (3)) and For-Profit Housing Developers to submit proposals for the development or rehabilitation of Special Needs Rental Housing for the Elderly to be built/rehabilitated on a single site within the Jefferson County Community Development Consortium (all of Jefferson County outside of the cities of Birmingham, Bessemer and Hoover and the towns of County Line, Sumiton, Helena and Argo).

Sealed proposals must be submitted to the Office of Community & Economic Development (in-hand) at the below address by no later than **5:00 P.M. on January 11, 2016** for those seeking to also apply for funding in the 2016 Alabama Housing Finance Authority Low-Income Housing Tax Credit Application cycle. Proposals that do not include AHFA funding may be submitted at any time throughout the program year. If submitted outside of an RFP period, the County may consider an application based on the availability of funding, or such applications will be reviewed as a part of the County's next Rental Housing RFP process. Community Housing Development Organization (CHDO) designation may also be requested under this RFP if in conjunction with a rental proposal.

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

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

Run Dates: Birmingham News December 11, 2015
Birmingham Times December 10, 2015

APPENDIX B
CERTIFICATIONS

Administrative Order of the Jefferson County Commission 08-4

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

PURPOSE

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

PROCEDURE

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

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

Alabama Equal Opportunity Certification Form” is incorporated herein by reference.

Organization Name

By: _____

Its: _____

Date: _____

JEFFERSON COUNTY, ALABAMA
EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION FORM

Contractor/Vendor Name: _____

Address: _____

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

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

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

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

Date

Signature

Title

**CERTIFICATION REGARDING
CONFLICT OF INTEREST**

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

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

If a person is:

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

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

That person may NOT:

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

Organization Name

By: _____

Its: _____

Date: _____

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

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

2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

Organization Name

By: _____

Its: _____

Date: _____

**CERTIFICATION REGARDING
DISPLACEMENT,
RELOCATION AND ACQUISITION**

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

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

Organization Name

By: _____

Its: _____

Date: _____

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

I, _____, the _____

of _____ (“Owner”) authorized to act on behalf of Owner certify to the Jefferson County Commission through its Office of Community & Economic Development that:

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

Name

Title

Date

**CERTIFICATIONS REGARDING
AFFIRMATIVE MARKETING PROCEDURES**

The undersigned applicant certifies to the Jefferson County Commission through its Office of Community & Economic Development (“the County”) that it will continue to further Equal Opportunity and Fair Housing by:

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

Signature of Authorized Certifying Official:

Title:

Applicant Organization:

Date:

APPENDIX C

Current HUD Income Limits

2015 HOME Rental Income Limits for Jefferson County, Alabama

March 25, 2015 (Annually Updated by HUD)

	<u>1 Person</u>	<u>2 Person</u>
50% Median Income	\$21,900	\$25,000
60% Median Income	\$26,280	\$30,000

Jefferson County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

APPENDIX D

URA/Environmental Informational Notice

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

Environmental Review Certification

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

Owner Date

Owner Date

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

Dear _____ (Owner): Date: _____

(Name of Organization/Agency/Person) _____, is interested in acquiring property you own at (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the HOME Investment Partnership Program.

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

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

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

value. If it differs from the amount above, you have the right to withdraw from the transaction.

Or

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

We are prepared to offer \$ _____ to purchase your property.

Please contact us at your convenience if you are interested in selling your property.

If the property is in default, but foreclosure proceedings have not been initiated/completed, and this offer is for less than the current balance of your loan(s) we suggest that you seek legal counsel or guidance. We cannot provide you with legal advice regarding any tax credit, or deficiency judgment consequences to you related to the sale.

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

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

Has the property been occupied in the last 90 days? Yes or No

If Yes, list all persons that have occupied the property for the 90 days prior to the date on this purchase agreement (include all residential and/or commercial tenants) (Attach additional information to this form if needed):

Name(s) of occupants - Dates of Occupancy - Mark if either Owner (O) or Tenant (T)

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

- 1) _____

2) _____

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

(Name of Organization/Agency/Person)

(Address of Organization/Agency/Person)

Contact phone number of Organization/Agency/Person)

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

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

Owner

Date

Owner

Date