



Department of Community Development

**TO: All Interested Housing Developers**

**FROM: Daryl P. Rush, Director  
Department of Community Development**

**DATE: February 10, 2010**

**SUBJECT: 2010 Housing Trust Fund  
Request for Proposals (RFP)  
Housing Development Projects**

\* \* \* \* \*

The City of Cleveland's 2010 Housing Trust Fund Request for Proposals (RFP) for housing development projects is now available on the Department of Community Development's website.

The **Due Date** for housing development project proposals is **March 25, 2010**.

The proposal submission procedures, project eligibility description and the required proposal format may be downloaded by going to <http://cd.city.cleveland.oh.us> (no www.), clicking on **2010 Housing Trust Fund**. Should you prefer to have a copy of the Housing Trust Fund RFP package mailed to you, please call (216) 664-2869.

All residential development projects receiving direct assistance from the City of Cleveland are required to meet an established green building and design standard aimed at conserving natural resources, eliminating unhealthy materials from housing units and reducing ongoing residential operating costs. The requirements for compliance with the Cleveland Green Building Standard are described in the RFP, and a copy of the Cleveland Green Building Standard Handbook is available in the Department of Community Development website at: [http://cd.city.cleveland.oh.us/forms/Cleveland\\_Green\\_Housing\\_Handbook.pdf](http://cd.city.cleveland.oh.us/forms/Cleveland_Green_Housing_Handbook.pdf)

In addition to the Cleveland Green Building Standard, the use of Housing Trust Fund resources will mandate compliance with a number of federal and local requirements, including those relating to acquisition of property, relocation of existing residents or businesses, construction contracting and hiring, and construction wage rates. These requirements will be strictly

enforced. Each proposal submission must contain signed statements that the applicant acknowledges the various regulations pertaining to the receipt of Housing Trust Fund assistance and that the applicant is not suspended, debarred or otherwise prohibited from receiving federal funds.

Each year the number of proposals submitted to the Housing Trust Fund far exceeds the number of projects we can assist with the available resources. Therefore, we place great emphasis on identifying those projects that can best help us in achieving our housing and community development objectives. Particular attention will be given to how each proposal may relate to an overall strategic approach to revitalization in its surrounding neighborhood. A project will have a significant advantage in the selection process if it is an integral part of a credible comprehensive neighborhood revitalization strategy.

**Selection of projects to receive HTF assistance will be based on the information submitted in response to the RFP. Any material change in the project's development team, financing, scope or design made after the initial selection, which is not approved by the City of Cleveland, may result in the withdrawal of the HTF award.**

**HOUSING TRUST FUND**

**REQUEST FOR PROPOSALS (RFP)**

**HOUSING DEVELOPMENT PROJECTS**

**City of Cleveland**  
**Department of Community Development**  
**601 Lakeside Avenue, Room #320**  
**Cleveland, Ohio 44114-1070**

**Due Date:**

**March 25, 2010**

## **TABLE OF CONTENTS**

	<b>Page</b>
Submission Procedures and Selection Process	3
Project Eligibility and Selection Factors	
Selection Criteria	3
Eligible Projects	4
Maximum Request	4
Eligible Participants	4
Eligible Locations	4
Eligible Uses	5
Cleveland Green Building Standard	5
Terms and Conditions of HTF Financing	6
Notice of Required Certifications	7
Attachment A – Eligible Areas Map	8
Attachment B – Low & Moderate Income Limits	9
Attachment C - Proposal Format	10
Section 1: Project Overview	
Section 2: Development Team	
Section 3: Strategic Importance	
Section 4: Project Readiness	
Section 5: Site Control	
Section 6: Project Financing Plan	
Section 7: Cleveland Green Building Standard Compliance	
Section 8: Request for HTF Assistance	
Section 9: Other City Assistance Being Requested	
Section 10: Market Analysis & Marketing Plan	
Other Required Submission Attachments	
Compliance Certification Description & Contact Persons	
Compliance Certification Signature Page	
Debarment/Suspension Certification	
Document Submission Checklist	

## **SUBMISSION PROCEDURES AND SELECTION PROCESS**

All requests for assistance from the Housing Trust Fund must follow the attached Proposal Format. **All applicable requested information must be provided.** Any additional information that can assist in the evaluation of the proposal may be included.

**Four** copies of each proposal must be submitted.

Proposals must be received in the Department of Community Development's Office by **5:00 p.m. on March 25, 2010.** Proposals may be mailed to:

Department of Community Development  
Room #320, City Hall  
601 Lakeside Avenue  
Cleveland, Ohio 44114-1070

A review committee consisting of the Director of Community Development and appropriate staff members will make funding recommendations. Committee recommendations will be subject to approval by City Council. Your first point of contact on project questions and the proposal process should be one of the following staff members:

Rebecca Lombardo (664-4036)	Housing Development Office
Kevin May (664-4035)	Senior Developer Officer
Nora McNamara (664- 4032)	Senior Developer Officer
Alethea Ray (664-4098)	Senior Developer Officer
Bill Resseger (664-2351)	Special Needs and Supportive Housing

## **PROJECT ELIGIBILITY AND SELECTION FACTORS**

### **Selection Criteria:**

The Housing Trust Fund (HTF) will provide public capital for investment in housing development projects that will increase the supply and affordability of new or rehabilitated units and assist in achieving neighborhood revitalization objectives. **Selection of projects will be competitive, based on the following criteria:**

- 1) Feasibility of the project as indicated by site control, project financing structure, financial commitments and marketability.
- 2) Capacity of the applicant to initiate construction within one year of HTF award.
- 3) Quality of design and construction of the proposed project.
- 4) Relationship to a strategic approach to revitalization in the area surrounding the project. Projects which are an integral part of a credible, comprehensive neighborhood revitalization strategy will have an advantage.
- 5) Extent to which housing affordability needs are addressed.

- 6) Extent to which sustainability, environmentally sensitive, energy efficiency or “green” principles are reflected in the proposal.
- 7) Extent to which the development will contribute to the goal of mixed-income communities.
- 8) Extent to which the project represents an innovative approach to neighborhood revitalization goals.
- 9) Rate at which resources will be returned to the Trust Fund through payments of principal and interest.

**Eligible Projects:**

- New construction or substantial rehabilitation residential projects with construction costs of at least \$20,000 per unit.
- All projects must comply with the Cleveland Green Building Standard (see Page 5)
- Proposals must be for at least 4 units, with preference given to projects of 15 or more units.
- Units to be developed may be rental or for sale.
- Transitional and supportive housing facilities designed to assist the homeless are eligible.
- Proposals for scattered site projects must be part of the implementation of a comprehensive neighborhood revitalization plan.

**Maximum Request:**

Proposals may not be for more than \$600,000 or 25% of the total development cost of the project, whichever is less.

**Eligible Participants:**

Developers may be for-profit or non-profit. However, a proposal for direct financing of market-rate new construction can only be considered if submitted jointly with or solely by a neighborhood-based, non-profit housing development group.

**Eligible Locations:**

Within the areas designated on the map labeled Attachment A, proposals for all types of housing will be considered. These areas may be supplemented with additional neighborhoods through the submission of physical survey data documenting the existence of substantial blight.

Please contact Jesus Rodriguez at 664-4062 for information on the requirements and procedures for small area blight studies.

Within the rest of the City, only projects to be substantially occupied by low and moderate-income households will be eligible. For multi-unit rental structures in areas not designated in Attachment A, at least 51% of the units must be for low and moderate-income occupants. Low and moderate-income limits are in Attachment B.

**Eligible Uses:**

Funds can be used as short-term or long-term secured financing for project development costs. These may include, but are not limited to:

- costs of land assemblage
- demolition and site preparation
- site improvements
- construction costs
- costs of obtaining permits, zoning approvals, etc.
- consultant, architectural, legal, audit, mortgage and other fees
- carrying charges and costs of financing
- measures to increase efficient use of energy
- buyer financing incentives
- marketing

**Cleveland Green Building Standard:**

All housing development projects that will begin construction using assistance from the 2010 Housing Trust Fund must comply with the requirements of the Cleveland Green Building Standard. This will assure that Housing Trust Fund projects are designed and built using practices that reduce building operating costs, eliminate unhealthy building materials, conserve natural resources and contribute to improved regional land use patterns.

The Cleveland Green Building Standard utilizes the nationally recognized Enterprise Green Communities Initiative criteria, which have been specifically designed to address affordable housing needs. Substantially equivalent green evaluation systems based on the U.S. Green Building Council's Leadership in Energy and Environment (LEED) Program and the National Association of Home Builders' National Model Green Home Building Guidelines may also be used to verify compliance with the Cleveland Green Building Standard. Developers will be required to secure verification of compliance through certified third party raters.

A full description of the Cleveland Green Building Standard and its implementation is contained in the Cleveland Green Building Standard Handbook, which is available at: [http://cd.city.cleveland.oh.us/forms/Cleveland\\_Green\\_Housing\\_Handbook.pdf](http://cd.city.cleveland.oh.us/forms/Cleveland_Green_Housing_Handbook.pdf)

Questions about the Cleveland Green Building Standard can be directed to Assistant Director John Wilbur at 216-664-4049 or [jwilbur@city.cleveland.oh.us](mailto:jwilbur@city.cleveland.oh.us).

**Terms and Conditions of Housing Trust Fund Financing:**

All Housing Trust Fund allocations will generally be in the form of secured loans, which can be subordinate to other financing sources. Repayment terms will be structured to the needs of each project.

Housing Trust Fund awards over \$250,000 are subject to fees as follows:

- a. Application Fee: A nonrefundable application fee of one half of one percent (.5%) of the loan amount, not to exceed \$2,500 for non-profit borrowers and \$5,000 for for-profit borrowers shall be charged to all direct loan recipients.

The application fee is charged to cover costs associated with staff underwriting, Housing Advisory Board Review and compliance review all of which are scheduled in consideration of the proposed loan.

- b. Processing Fee: A nonrefundable loan processing fee of one and one-half percent (1.5%) of the loan amount, not to exceed \$2,500 for non-profit borrowers and \$5,000 for for-profit borrowers shall be charged to all award recipients.

The loan processing fee is charged to cover costs associated with loan closing, disbursement and the administration of the loan.

- c. All fees shall be paid at closing.
- d. Fees may be waived for housing developments serving only persons with incomes below the low and moderate income limits in Attachment B.

# **PLEASE NOTE**

Assistance available through the Housing Trust Fund is subject to compliance with all applicable Federal, state and/or local regulations. These requirements could substantially affect the cost of completing your project. It is essential that you fully understand these obligations prior to submitting a Housing Trust Fund application.

**Each Housing Trust Fund proposal submission must include two certification forms signed by a representative of the developer:**

**1. Federal, State & Local Compliance Certification**

This form lists and briefly describes the various laws and regulations that apply to the use of Housing Trust Fund financial assistance. There are also contact persons listed that can answer questions and provide detailed information. The applicant must acknowledge receipt of this information and the obligation to comply with all applicable laws and regulations should the project be selected for Housing Trust Fund assistance. Please note that the provisions of section 188, known as the Fannie Lewis Resident Employment Law, apply to any HTF award of \$100,000 or more.

**2. Suspended/Debarred Agency or Contractor Certification**

All applicants for Housing Trust Fund assistance must certify that no members of their development team have been debarred, suspended, declared ineligible or are otherwise prohibited from receiving Federal funds. The certification also covers past convictions and current indictments related to use of public funds. Questions about this certification may be referred to Terry Ross, Commissioner of Administrative Services, at 216-664-4009.

**Descriptions of the certifications and the certification forms for signature are included at the end of the application.**

# **2010 HOUSING TRUST FUND**

## **ATTACHMENT A**

### **Housing Trust Fund *Eligible Areas Map***

Go to: <http://cd.city.cleveland.oh.us/forms/HTFattachmentA.pdf>

# **2010 HOUSING TRUST FUND**

## **ATTACHMENT B**

### **Low and Moderate Income Limits** **(Updated Annually)**

<b>Household Size</b>	<b>Maximum Income</b>
1	\$36,300
2	\$41,500
3	\$46,650
4	\$51,850
5	\$56,000
6	\$60,150
7	\$64,300
8	\$68,450

## **2010 HOUSING TRUST FUND**

### **HOUSING DEVELOPMENT PROJECTS**

#### **ATTACHMENT C** **PROPOSAL FORMAT**

**Four** copies of the attached proposal format and required attachments must be submitted, except as specifically noted. We encourage you to use the downloadable version at <http://cd.city.cleveland.oh.us> to complete your application.

All requested information must be included in the proposal.

The proposal is a working guide for developing, evaluating and implementing a real estate development project. Project readiness and feasibility are the primary criteria for HTF support, therefore project characteristics, critical paths, schedules, persons involved and responsibilities, market information, financing and desired outcomes are essential elements of your Housing Trust Fund submission.

**CITY OF CLEVELAND**  
**2010 HOUSING TRUST FUND**  
**HOUSING DEVELOPMENT PROJECT**

Name of Project: \_\_\_\_\_

Project Address or Location: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

\_\_\_\_\_

Name of Applicant Contact Person: \_\_\_\_\_

Contact Person Telephone #: \_\_\_\_\_

Contact Person E-mail: \_\_\_\_\_

**Section 1: PROJECT OVERVIEW**

Provide a brief narrative description of the proposed project:

<b>Product Type</b>	<b># of units</b>
Single Family	
Multi-Family: Townhouses	
Multi-Family: Other	
Live/Work	
Mixed Use: Residential and Commercial	

<b>Tenure Type</b>	<b># of units</b>
For Sale	
For Rent	

<b>Construction Type</b>	<b># of units</b>
New Construction	
Rehabilitation	
Adaptive Reuse (conversion of non-residential space to housing)	

<b>Market Type</b>	<b># of units</b>
Market Rate no specified income limits (only allowed in areas shown on map in Attachment A or in an area designated as blighted through an approved neighborhood survey – see page 4)	
Affordable limited to buyers or renters with incomes below those on Attachment B	

## Section 2: DEVELOPMENT TEAM

### Developer Partners

Name	Address	Phone No.	Key Staff

### Other Development Team Members (where applicable)

Architect	
Lawyer	
Accountant	
Auditor	
Environmental Engineer	
Engineer	
Green Building Consultant	
General Contractor	
Project Manager	
Construction Manager	
Sales & Marketing	
Management	

**Developer Experience and Capacity**

Use the space below to describe any relevant background and/or experience that demonstrates the capacity of the development team to successfully carry out the project. (additional information may be attached)

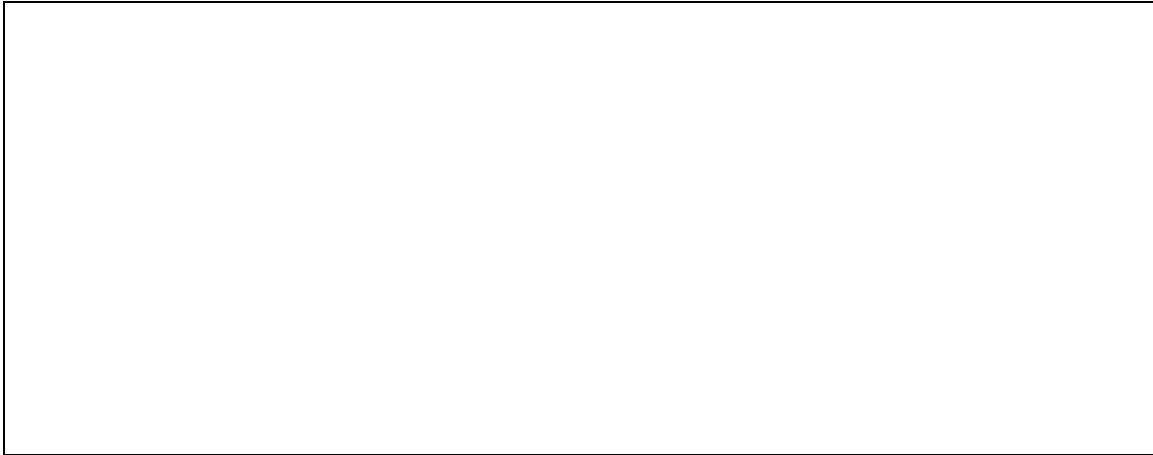
### **Section 3: STRATEGIC IMPORTANCE**

**Project Concept:** Use the space below to address the following:

- How does the proposed project relate to a strategic approach to revitalization of the surrounding neighborhood?
- Will the project contribute to a change in the market dynamics, economic status, physical appearance or perception of the neighborhood?
- Will the project leverage or encourage spin-off activity or other investment in the area?
- Does the project address specific housing affordability needs or contribute to the goal of mixed-income communities



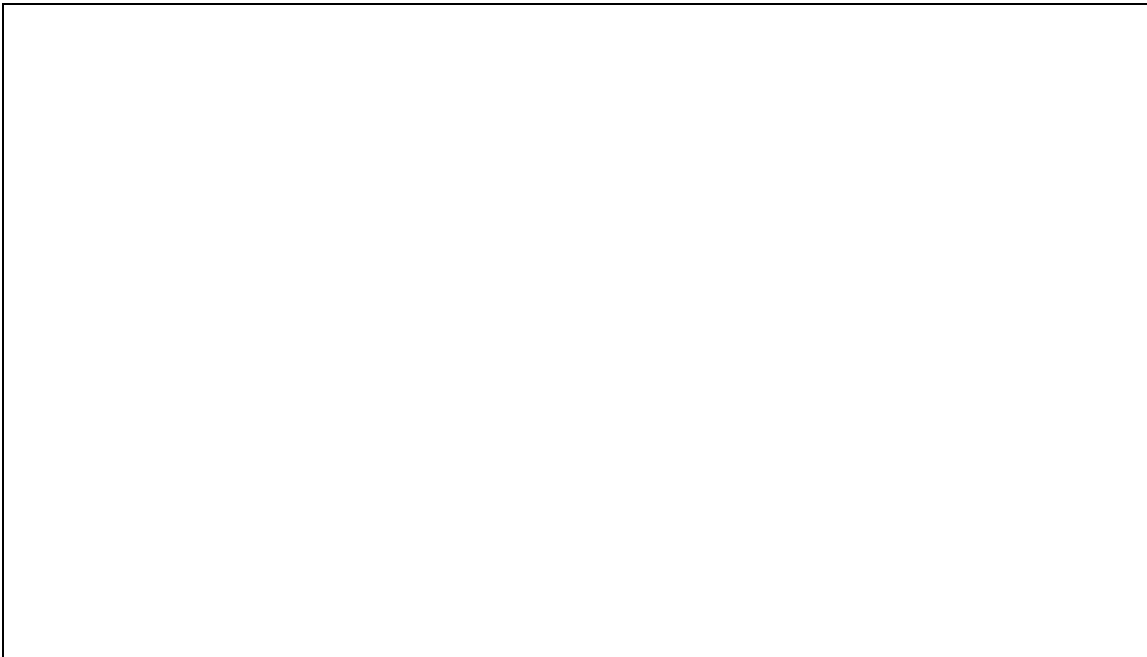
**DESIGN:** Describe how the project design addresses its neighborhood context and identify any specific design or construction quality elements that should be noted during the proposal review process.



**Please Attach:** Copies of plans, drawings and/or specifications that will clearly indicate the scope of work to be undertaken and the types of materials to be used. New construction projects must provide site plans and drawings of exterior elevations. Substantial rehabilitation projects should include drawings of any significant exterior changes. (For large scale drawings or plans, it will only be necessary to submit one copy).

**COMMUNITY SUPPORT** Use the space below to describe your community support, specifically:

- Is the project supported by the community residents, stakeholders, institutions, etc?
- How was the support obtained?
- Is there a plan with specific strategies for garnering community support for the project?
- Are the community stakeholders involved in the development process?
- If so, in what manner?



## Section 4: PROJECT READINESS

### PROJECT MILESTONES (insert dates as appropriate)

Task	Start	Complete	N/A*	Comments
<b>Project Feasibility</b>				
▪ Market Study				
▪ Community Process				
▪ Blight Study				
▪ Environmental Review				
▪ Remediation				
▪ Voluntary Action Plan				
▪ Traffic Study				
▪ Parking Study				
▪ Environ. Review				
▪ Historic Pres. Review				
▪ Green Building Checklist				
<b>Site Control</b>				
▪ Site Acquisition				
▪ Resident Relocation				
<b>Plan Design, Review and Approval</b>				
▪ Arch & Eng.				
▪ Zoning				
▪ Fire Safety Assessment				
▪ Design Review				
▪ Plan Review and Approval				
▪ Plat Approval				
<b>Financing</b>				
▪ Secure Financing				
<b>Construction</b>				
▪ Permit				
▪ Demo & Site Prep				
▪ Utilities				
▪ Infrastructure				
▪ Construction				
▪ Certificate of Occupancy				
<b>Marketing and Sales</b>				

\* N/A =Not Applicable

## Section 5: SITE CONTROL

SITE CONTROL STATUS SUMMARY (add rows as needed)				
PPN and Address	Date Site Control Secured*	In Negotiation (Owner Name)	To Be Initiated (Owner Name)	Current Zoning

\*Provide evidence of site control: option agreement, deed, lease, etc.

**In addition, please attach the “URA Proposed Project Information Form” (URA Form) listing all properties to be included in the project.**

The URA Form is available online at:

<http://cd.city.cleveland.oh.us/quicklinks>, then click on “URA”.

Look for these files:

**1-URA Instructions.pdf** — This provides a brief introduction to the URA and full instructions on how to complete the URA Form.

**2-Proposed Project Information.xls** — This is the URA Form itself in Excel format. It consists of three (3) pages, accessed using the Worksheet tabs along the bottom.

Applicants are encouraged to seek guidance as early as possible to assist in project compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, commonly known as the “URA” or the “Uniform Act.”

Acquisition of real property for projects receiving assistance through the Housing Trust Fund is regulated by the URA, including vacant land and properties with structures. The URA also affords certain rights and protections to owners and tenants (residential and commercial) of property being acquired.

For early assistance, complete and submit a URA Form to the URA Unit in the Compliance Section of the Department of Community Development. It may be submitted via e-mail to:

Marc Foy, Lead Compliance Officer  
 Address: [mfoy@city.cleveland.oh.us](mailto:mfoy@city.cleveland.oh.us)  
 Phone: (216) 664-4389

For technical assistance with the URA Form, please call Robert Laycock, Compliance Officer, at (216) 664-4094 or write to [rlaycock@city.cleveland.oh.us](mailto:rlaycock@city.cleveland.oh.us).

**Note:** Even if submitted for advance guidance, a hard-copy printout of the URA Form must be attached to the HTF application.

**Section 6: PROJECT FINANCING PLAN**

**6a. Unit Costs**

# of Units	Project Cost	Cost/Unit	Cost/Sq. Ft.

**6b. Summary Sources and Uses**

Sources of Funds	Total \$	Status* (Applied For or Committed)
Developer Equity		
Tax Credit Equity		
1 <sup>st</sup> Mortgage Loan		
Other loan: _____		
Other loan: _____		
Other loan: _____		
Other Grant: _____		
Other Grant: _____		
Other: _____		
<b>Total Sources:</b>		
<b>Uses of Funds</b>		
Acquisition		
Architectural/Engineering		
Site Preparation		
Construction Hard Costs		
Contingency – Hard Cost		
Soft Costs		
Contingency – Soft Cost		
Developer Fee		
Other: _____		
<b>Total Uses</b>		
Surplus/(Gap)		

**\*Attach documentation showing the current status of all proposed funding commitments.**

**6.c Projected Rents or Sales Prices**

**Rental Projects**

<b>Unit Size</b>	<b># of Units</b>	<b>Sq. Feet</b>	<b>Projected Rents</b>	<b>Utilities Included? (Y/N)</b>
Efficiency				
1 Bedroom				
2 Bedroom				
3 Bedroom				
4 or more Bedrooms				

**For Sale Projects**

<b># of Bedrooms</b>	<b># of Homes</b>	<b>Sq. Feet</b>	<b>Projected Sales Price</b>
2 Bedrooms			
3 Bedrooms			
4 or more Bedrooms			

**6.d Detailed Development Proformas & Rental Housing Operating Proforma**

Please complete and attach the detailed project development pro forma statements and rental housing operating pro forma (if applicable) that can be accessed through the links below:

<http://cd.city.cleveland.oh.us/forms/prp.xls> for rental projects or  
<http://cd.city.cleveland.oh.us/forms/psp.xls> for sales projects.

**Section 7: CLEVELAND GREEN BUILDING STANDARD COMPLIANCE**

All housing development projects that will begin construction using assistance from the 2010 Housing Trust Fund must comply with the requirements of the Cleveland Green Building Standard.

The Cleveland Green Building Standard Handbook identifies three alternative rating systems that can be used to demonstrate compliance with the Cleveland Green Building Standard. Please indicate which rating system will be used to evaluate this project.

<b>Rating System</b> (as described in the <u>Cleveland Green Building Standard Handbook</u> )	<b>Check One</b>
Enterprise Green Communities	
Leadership in Energy and Environment (LEED) - Silver Certification	
NAHB National Model Green Home Building Guidelines - Gold Certification with specified additional points	

**The HTF application must include a completed checklist for the selected rating system that shows the specific green building methods to be used in the project.**

**Section 8: REQUEST FOR HOUSING TRUST FUND ASSISTANCE**

Indicate the amount you are requesting from the Housing Trust Fund, the proposed use of the funds and the requested repayment terms.

**Section 9: OTHER CITY ASSISTANCE BEING REQUESTED**

Indicate the type and amount of any other City assistance have requested or intent to request, in addition to that requested from the Housing Trust Fund.

<b>Need</b>	<b>Amount</b>	<b>Loan Terms</b>	<b>Committed / Pending</b>
Ward Funds			
Infrastructure			
Other:			
Other:			
Other:			

## **Section 10: MARKET ANALYSIS & MARKETING PLAN**

**Target Market** Use the space below to describe your market including:

- What is the profile for the buyers/tenants you anticipate the project attracting?
- Are any other demographics relevant to the project (i.e., senior population, households, families with children)
- What is the basis for selecting the market?
- How does the market for the project compare with the market in the neighborhood and in the area around the project?
- Does the ownership strategy (condominium, fee simple, homeownership assoc.) affect the market in the area around the project?
- Are any specific potential buyers/tenants identified? (reservations, letters of intent, etc.)
- What will be attractive to buyers/tenants about this product or project?
- What income ranges are the residential rental/purchase prices targeted toward?
- How do the projected ranges compare with those currently found in the area?
- Is a competitive product available? If so, where?
- How does the project compare (size, rental rates or sales prices, amenities, condition, etc.)?
- What is the project's competitive advantage?

**Marketing Plan** Use the space below to describe your marketing plan:

- What are the strategies for marketing the project?
- Who will perform marketing and what media will be used?
- What is the schedule for marketing the project?
- Upon what assumptions are the leasing/sales rates (absorption) based?
- In the event that leasing/sales take longer than anticipated, what are the expected costs and what will be the contingent strategies?
- How do the marketing strategies relate to the proforma marketing line items and projected expenses?

## **Other Required Submission Attachments**

(Only **one** copy of the following information is required)

- Most recent financial statement of developer.
- Evidence of corporate status including, where applicable: Articles of Incorporation, current Certificate of Continued Existence from Ohio Secretary of State, and evidence of tax-exempt status.
- Partnership certificate and/or agreement, if applicable.
- Signed original of the **Federal, State & Local Compliance Certification**.
- Signed original of the **Suspended/Debarred Agency or Contractor Certification**.

**Federal, State & Local Compliance Certification  
2010 Housing Trust Fund**

When public funding is used to assist an eligible activity, detailed and specific record keeping and documentation will be required to support adequate compliance with all applicable regulatory laws/guidelines. These Federal, State and Local regulations can impact an activity's budget and timeline. The Department of Community Development's Compliance Section and the Office of Equal Opportunity (OEO) can assist in understanding and achieving full compliance with applicable regulatory requirements.

It is therefore important to establish an ongoing working relationship with appropriate City staff to understand the impact that federal regulations will have on activities assisted through the Competitive Development Grant Program.

Financing assistance available through the City of Cleveland will be subject to compliance with all applicable Federal, state and/or local regulations. These compliance procedures will be required, with specific supporting documentation, if federal assistance is pursued for a project. This documentation is required (unless otherwise notified in writing by the Department of Community Development) regardless of the date you apply for federal assistance or the source of funds used to begin your project.

Failure to comply could substantially affect the ability of the City to participate in project financing for your project.

For any general Compliance questions please contact Jesus Rodriguez, Compliance Manager at (216) 664-4062 or [jrodriguez@city.cleveland.oh.us](mailto:jrodriguez@city.cleveland.oh.us). For specific Compliance information please contact the individuals listed on the following pages or go to "Compliance" at:

<http://cd.city.cleveland.oh.us/quicklinks>

## COMPLIANCE REQUIREMENTS AND CONTACT PERSONS

Applicable Law	Regulation	Triggers	Time Frame	Consequence of Non-compliance
<b>Acquisition/Relocation Uniform Relocation Act (URA)</b> <i>FEDERAL/LOCAL</i> Marc Foy – (216) 664-4389 <a href="mailto:mfoy@city.cleveland.oh.us">mfoy@city.cleveland.oh.us</a>  <i>Additional information on page 28</i>	Uniform Relocation Act becomes applicable if any Federal funds or actions are used for projects that involve Acquisition, Demolition, Rehabilitation, or Conversion activities.	The use of any federal funds in project financing	Planning Stage through post-construction	Loss of dollars allocated to the project.
<b>Environmental/Historic</b> <i>FEDERAL</i> Note: Historic Preservation is part of the environmental compliance. Kellie Glenn – (216) 664-4070 <a href="mailto:kglenn@city.cleveland.oh.us">kglenn@city.cleveland.oh.us</a>	Projects that have any type of Federal dollars involved must be reviewed for the impact or potential effects the project could have on the environment and/or historic properties/districts.	The use of any federal funds in project financing	Planning Stage <u>Note:</u> If a Request for Release of Funds (RROF) is required from HUD, then a two-month lead time is necessary prior to the start of construction.	Loss of dollars allocated to the project.
<b>Lead Abatement</b> <i>FEDERAL/STATE/LOCAL</i> Kellie Glenn – (216) 664-4070 <a href="mailto:kglenn@city.cleveland.oh.us">kglenn@city.cleveland.oh.us</a>	Requires notification/disclosure of lead-based hazards to occupants, evaluation and reduction of lead hazards in rehabilitated residential units and, if applicable, ongoing maintenance of residential units.	Rehab and demolition activities.	Prior to Construction Stage	Penalties
<b>Prevailing Wages Davis-Bacon</b> <i>FEDERAL</i> John Amoroso – (216) 664-4092 <a href="mailto:jamoroso@city.cleveland.oh.us">jamoroso@city.cleveland.oh.us</a>	Payment of federal prevailing wage rates to construction-related employees may be required depending on the number of units and the uses of the federal funds.	Funding in excess of \$2,000 for construction costs <u>CDBG:</u> 8 units or more <u>HOME:</u> 12 units or more	Application Stage	Contractor debarment
<b>Affirmative Marketing (HOME Funds Only)</b> <i>FEDERAL</i> John Amoroso – (216) 664-4092 <a href="mailto:jamoroso@city.cleveland.oh.us">jamoroso@city.cleveland.oh.us</a>	Marketing efforts are required to attract and encourage families and individuals to apply for project-related housing (that is, those that would be less likely to apply for residence in the housing units).	5 units or more, any HOME dollars regardless of Davis Bacon applicability	Application Stage	Penalties

<p><b>Americans with Disabilities</b>  <i>FEDERAL</i>  (Multi-Family New Construction or Multi-Family Rehabilitation Only)  John Amoroso– (216) 664-4092  <a href="mailto:jamoroso@city.cleveland.oh.us">jamoroso@city.cleveland.oh.us</a></p>	<p>Multi-family structures (5 units or more under one roof) built for occupancy after March 13, 1991 must meet accessibility requirements -- five percent (5%), or at least 1 unit, to accommodate persons with mobility disabilities. Also, two percent (2%), or at least one unit, for hearing or visually-impaired individuals.</p>	<p>All new construction or rehab of multi-family structures (5 units or more under one roof), regardless of prevailing wage applicability</p>	<p>Application Stage</p>	<p>Penalties</p>
<p><b>Minority/Female Business Enterprise (MBE/FBE) &amp; Cleveland Area Small Business (CSB)</b>  <i>LOCAL</i>  LeJon Woods  Office of Equal Opportunity  (216) 664-4178  <a href="mailto:lwoods@city.cleveland.oh.us">lwoods@city.cleveland.oh.us</a></p>	<p>Construction projects are required to use 15% MBE, 7% FBE and 8% CSB to implement the project. All project related contractors and subcontractors must be reported.</p>	<p>\$10,000 or more of city assistance for construction contracts.</p>	<p>Monthly Reports during the Construction Stage</p>	<p>Forfeit 20% of principle loan/grant amount; 10% of retained contract funds.</p>
<p><b>Section 3</b>  <i>FEDERAL</i>  Luis Martinez – (216) 664-4048  <a href="mailto:lmartinez@city.cleveland.oh.us">lmartinez@city.cleveland.oh.us</a></p>	<p>Numerical Goals: require that thirty percent (30%) of new hires be low-income (Section 3 Residents). At least ten percent (10%) of total dollar amount of all Section 3 covered contracts to be awarded to certified Section 3 businesses.</p>	<p>\$200,000 in HUD-funded assistance.</p>	<p>Quarterly reports during the Construction Stage.</p>	<p>Application of HUD Sanctions.</p>
<p><b>Fannie M. Lewis Cleveland Resident Employment Law</b>  <i>LOCAL</i>  LeJohn Woods  Office of Equal Opportunity  (216) 664-4178  <a href="mailto:lwoods@city.cleveland.oh.us">lwoods@city.cleveland.oh.us</a></p>	<p>Construction contracts of \$100,000 or more requires Residents of the City to perform 20% of the total Construction Worker Hours ("Resident Construction Worker Hours). Additionally, best efforts must be made to assure that 4% of the total construction work hours are filled by persons with a family income that does not exceed 50% of the HUD area-wide median income.</p>	<p>\$100,000 or more of city assistance for construction contracts.</p>	<p>Monthly Reports during the Construction Stage</p>	<p>Forfeiture of 1/8<sup>th</sup> of 1% of the final total amount of the contract for each full percentage point by which the contractor falls short of the contract agreement.</p>

**Acquisition/Relocation  
Uniform Relocation Act (URA)  
Additional Information**

- HTF funds come from the Federal government and carry with them special regulations and requirements. All Federally-assisted projects involving *acquisition, demolition, rehabilitation* or *conversion* must comply with the **Uniform Relocation Act (URA)**.
- **URA regulations apply to your *entire project*, regardless of the specific line item(s) paid by the City or the date Federal funds are added to the project.** If you have not already done so, contact the City *immediately* for instructions on how to proceed. An e-mail address and phone number are provided below.
- All acquisition of real property must follow a prescribed process with proper and timely notice to property owners and tenants. The format, content and delivery of notices must meet HUD's requirements. Property owners and tenants have specific rights, including, *but not limited to*:
  1. The documented Fair Market Value of an owner's property must be disclosed in writing at the Initiation of Negotiations. *Under no circumstances* should a Purchase Option or Purchase Agreement be signed before the owner has received the proper HUD-required notice including the documented Fair Market Value.
  2. Tenants must receive certain relocation benefits. This applies even when tenants will be relocated only temporarily, such as during rehabilitation of their unit. Tenants (residential and commercial) must be given written notice of the project and their rights under the URA *at the same time* the owner receives his/her written notice (point #1 above).
- **Now that you are considering the use of HTF funds, all Uniform Relocation Act rules apply to your project *effective immediately* – and may even apply retroactively as well.**
- **A special meeting is required with City staff *before you engage in any discussions or negotiations with property owners or tenants.*** Prior to this meeting, a **URA Proposed Project Information Form** (URA Form) must be completed and submitted to the City.

**How to contact us:** For guidance and instructions regarding the URA and your project, please contact Marc Foy at (216) 664-4389 or by e-mail at [mfoy@city.cleveland.oh.us](mailto:mfoy@city.cleveland.oh.us).

**DEPARTMENT OF COMMUNITY DEVELOPMENT  
2010 Housing Trust Fund  
Federal, State & Local Compliance Certification**

**Please attach a signed copy of this certification to your Housing Trust Fund submission**

<b>Developer Name:</b>	
<b>HTF Project Name:</b>	

I acknowledge receipt of pertinent information and material regarding local and federal guidelines/laws that may apply to the activities proposed in the Housing Trust Fund Application submitted for funding consideration. I understand that it is my responsibility to fully comply with all applicable guidelines and reporting requirements. Further, I understand that failure to comply with any or all of these requirements may result in the delay and/or denial of receipt of any approved funding.

\_\_\_\_\_  
(Signature of Developer Representative)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)

**2010 Housing Trust Fund  
Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions**

(Note: Lower Tier refers to the agency or contractor receiving Federal funds, as well as any subcontractors that the agency or contractor enters into contract with using those funds.)

*Title 24 Code of Federal Regulations Part 24 requires that the City not enter into contract with any agency, corporation, partnership, or other legal entity that has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal Government from participating in transactions involving Federal funds. As a condition of receiving funding under the Community Development Block Grant, HOME, Emergency Shelter, and Housing Opportunities for Persons with AIDS (HOPWA) programs, you are required to sign the certification below which specifies that neither you nor your principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in programs funded by a Federal agency. It also certifies that you will not use, directly or indirectly, any of these funds to employ, award contracts to, engage the services of, or fund any contractor that is debarred, suspended, or ineligible under 24 Code of Federal Regulations Part 24.*

*If you need to determine whether your agency/firm has been debarred or suspended, or if a subcontractor you plan to hire is suspended or debarred, please refer to the following sources:*

- *List of Parties Excluded From Federal Procurement and Nonprocurement Programs, issued by the U.S. General Services Administration, Office of Acquisition Policy. Contact the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402 (Reference Stock # 722-002-00000-8). The telephone number is 202-512-1800.*
- *Internet access is also available at <http://epls.arnet.gov>.*

*If you have any questions, contact Mr. John Amoroso, Compliance Section, City of Cleveland Dept. of Community Development at 664-4092.*

**Please note: Completion of this Certification is a requirement for funding under this grant. If it is not signed and included in your proposal or contract for funding, the City will not consider that proposal for funding nor execute the contract.**

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered

transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion**

#### **Please attach a signed copy of this certification to your Housing Trust Fund submission**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three year period preceding the effective date of this contract been convicted of or had a civil judgment rendered against me or \_\_\_\_\_ (contractor's name) 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 under a public transaction; 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 indicted for or otherwise criminally or civilly charged by a government 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 application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of these statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_  
(Authorized Recipient Name/Title)

Organization: \_\_\_\_\_ Date: \_\_\_\_\_

### Document Submission Checklist

Please be sure that all of the required documents are included with the four copies of your proposal:

Required attachments:

<b>Documents Required (one copy of each attachment)</b>	<b>Check</b>
Most recent financial statement of developer	
Articles of Incorporation	
Certificate of Continued Existence	
Evidence of tax-exempt status (if appropriate)	
Partnership certificate and/or agreement, if applicable	
Federal, State & Local Compliance Certification	
Suspended/Debarred Agency or Contractor Certification	
Site Plans and Elevations	
Green Building Standard Checklist	

Other Supporting Documentation Attachments:

	<b>Check</b>
Market Study	
URA Proposed Project Information Form (URA Form)	
Deed, Purchase Agreement, Option or Site Lease	
Evidence of Financial Commitments	
Development Pro Forma	
Operating Pro Forma (Rental)	