



City of Cleveland
Frank G. Jackson, Mayor



Department of Community Development

TO: All Interested Housing Developers

**FROM: Michael F. Cosgrove, Acting Director
Department of Community Development**

DATE: June 18, 2015

**SUBJECT: 2015 Housing Trust Fund
Request for Proposals (RFP)
Affordable Housing Development Projects**

* * * * *

The City of Cleveland will make funds available for affordable housing development projects, on a competitive basis, through the Department of Community Development's 2015 Housing Trust Fund program (HTF).

This Request for Proposals (RFP) is only for affordable housing development projects that will serve low and moderate income households, as defined in this document. In prior years the Housing Trust Fund had included HUD resources from both the Community Development Block Grant (CDBG) Program and the HOME Program. Over the past several years, the City of Cleveland's allocations of CDBG funds and HOME funds have declined significantly because of reduced appropriations by Congress. As a result, CDBG funds for market rate projects are not currently available. A significantly reduced amount of HOME funds will be allocated through this RFP, which describes project eligibility, application requirements and the format for submitting proposals.

The **Due Date** for affordable housing development proposals is **July 31, 2015**. The City will accept proposals prior to the due date and may evaluate proposals and make awards on a rolling basis.

All residential development projects receiving direct assistance from the City of Cleveland are required to meet the Cleveland Green Building Standard, which aims to conserve natural resources, eliminate unhealthy materials from housing units and reduce ongoing residential operating costs. Because these standards are subject to periodic updating, it is important for each applicant to verify current requirements.

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 (i.e. Uniform Relocation Act), construction contracting and hiring (i.e. MBE, FBE, CSB, Section 3 and the "Fannie Lewis" law), and construction wage rates (i.e. Davis Bacon). 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. ***Compliance with regulations will depend on the City funding amount and other factors. Please contact Carlean Alford, 216-664-2054, for additional information.***

To further the commitment to nondiscrimination and equal opportunity in housing, and in accordance with the HOME regulations, the City of Cleveland Department of Community Development has established procedures requiring HOME grantees to affirmatively market HOME-assisted housing units. Developers who successfully apply to the Housing Trust Fund will be required to develop an Affirmative Marketing Plan (AMP or Plan) that targets those individuals who are least likely to apply for housing assistance, and make them aware of available affordable housing opportunities. If selected, the grantees will be required to comply with Community Development's AMP, and report these efforts to the compliance officer.

Developers of rental housing should note that up 10% of the units must be fully accessible to persons with mobility impairments and 2% of the units must be accessible to persons with vision and hearing impairments. In addition, all newly constructed rental units must meet a visitability standard that is described in the RFP.

With the reduced level of available resources, we will be able to assist fewer projects from this year's Housing Trust Fund. Therefore, we will place great emphasis on identifying those projects that can best help us further and implement the Department's neighborhood strategies. Particular attention will be given to projects that meet the evaluative criteria listed on pages three and four of this RFP. A project will have a significant advantage in the selection process if it significantly advances one or more of the objectives underlying these criteria.

Pilot Project:

The City will accept applications, as funding is available, for proposals for stand-alone single family rehabilitation projects which require gap-subsidy financing. The maximum award amount is \$40,000 with a maximum loan write-down of \$30,000. Application materials and information can be found in Addendum 1.

Selection of projects to receive HTF assistance will be based on the information submitted in response to the RFP. Any subsequent material modification of the proposed project, such as changes to the development team, financing, scope or design, 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)

AFFORDABLE HOUSING PROJECTS

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

Due Date:

July 31, 2015

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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 paper copies of each proposal must be submitted, as well as an electronic copy in a disk or thumb drive.

Proposals must be received in the Department of Community Development's Office by **5:00 p.m. on July 31, 2015.** 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:

Mike McBride (216-664-2005)
Kevin May (216-664-4035)
Joseph Gabbard (216-664-4048)
Daniel DeAngelo (216-664-4036)
Cecilia Rodriguez (216-664-3442)

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 and complete the project in a reasonable amount of time thereafter. A demonstrated track record by the applicant or member of the applicant's staff to complete a large scale residential development using federal assistance.
3. Evidence of community support for the project or a plan to engage stakeholders that will provide information, seek comments and gauge community support for the project.
4. Quality of design and construction of the proposed project.

5. 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.
6. Extent to which sustainability, environmentally sensitive, energy efficiency or "green" principles are reflected in the proposal beyond what is required to meet the City's Green Building Criteria
7. Extent to which the project fills a need for housing and associated services for a specific hard-to-house constituency.
8. Relative to other projects being considered, the project provides a large number of units or preserves the affordability of units that would otherwise be lost.
9. The project will put residents in close proximity (either via walking or public transit) to employment and educational opportunities and /or commercial centers.
10. The project will support the development of mixed-income communities.
11. Rate at which resources will be returned to the Trust Fund through payments of principal and interest.
12. The extent to which project capital structure will repay any existing City debt
13. The project preserves or repurposes vacant structures.

Eligible Projects:

Projects must be affordable to low and moderate income households that qualify under the Federal HOME Program regulations. For rental projects, 80% of the units must be affordable to households with incomes at 60% or less than areawide median income (AMI) and 20% of the units must be affordable to households with incomes at 50% or less than AMI. For sale units must be for households with incomes at 80% or less of AMI. Income limits are adjusted annually. The applicable income limits for 2015 are in Attachment A. Projects containing rental units may request 80% AMI unit limits if needed for market feasibility and City will consider on a case by case basis.

Other eligibility requirements include:

- New construction or substantial rehabilitation residential projects with construction costs of at least \$25,000 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 large-scale projects of 15 or more units.
- Permanent supportive housing facilities designed to assist homeless persons are eligible if endorsed by the Cleveland/Cuyahoga County Continuum of Care (see Page 5). Emergency shelters and transitional housing are not eligible.
- Proposals for scattered site projects must be part of the implementation of a comprehensive neighborhood revitalization plan.

Maximum Request:

Proposals should not be for more than \$600,000 or 25% of the total development cost of the project *for permanent City funds*, whichever is less. The City will consider applications in excess of \$600,000 for bridge construction loans. All awards will be made subject to underwriting consistent with HOME regulations. Maximum developer fees and deferred fees are the same as the OHFA guidelines.

Eligible Participants:

Developers may be for-profit or non-profit.

Eligible Locations:

City-wide

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

Cleveland Green Building Standard:

All housing development projects receiving Housing Trust Fund assistance 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.

A guide to meeting the Cleveland Green Building Standard and the required Certification Form can be accessed at:

http://www.cleveland-oh.gov/sites/default/files/forms_publications/ClevelandGreenCertForm1.pdf

or by going to the City of Cleveland website: <http://www.city.cleveland.oh.us>, clicking on Department of Community Development and then on Tax Abatement under "Most Requested". The Cleveland Green Standard information is included as part of the description of Cleveland's Residential Tax Abatement Program. (Since this information is periodically updated, applicant should check for current program requirements.)

Questions about the Cleveland Green Building Standard can be directed to Mike McBride at 216-664-2005 or mmcbride@city.cleveland.oh.us.

Permanent Supportive Housing

If the proposed project will provide housing specifically for formerly homeless individuals or families, the submission must include a letter of endorsement from the Cleveland/Cuyahoga County Continuum of Care, which coordinates the planning and implementation of homeless assistance in the community. The Continuum of Care is managed by the Cleveland/Cuyahoga County Office of Homeless Services. For additional information contact:

Ruth Gillett, Manager
Office of Homeless Services
310 West Lakeside Avenue, Suite 595
Cleveland OH 44113-1021
216-420-6844
rgillett@cuyahogacounty.us

Visitability Standard & Handicapped Accessibility Requirement

All newly constructed affordable rental housing units must incorporate the following Universal Design elements, which constitute "visitability":

1. No step entrance: Provide at least one "no step" entrance into the unit. The required "no step" entrance shall be accessed via an accessible route (driveway, sidewalk, garage floor, etc.) Ramps that extend out into the front or back yards are usually not the appropriate solution.
2. Doors/Openings: All doors and openings shall have a minimum net clear width of 32 inches.
3. Bathroom/Half Bath: Provide a bathroom or half bath on the main floor with clear floor space of 30 inches by 48 inches.

Questions about design solutions for achieving the visitability standards can be directed to Daniel DeAngelo at 216-664-4036 or e-mail to: DDeAngelo@city.cleveland.oh.us

In addition, it should be noted that for construction of affordable rental buildings, the requirement for units that are fully accessible to persons with mobility impairments has been increased from 5% to 10%.

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. Loan amounts and repayment terms will be structured to the needs of each project.

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 Carlean Alford, Compliance Manager, at 216-664-2054.

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

2015 HOUSING TRUST FUND
ATTACHMENT A

Low and Moderate Income Limits
(Updated Annually)

Rental Projects – Maximum Household Income Levels

Household Size	80% of Units at or below 60% of AMI	20% of Units at or below 50% of AMI
1	27,780	23,150
2	31,740	26,450
3	35,700	29,750
4	39,660	33,050
5	42,840	35,700
6	46,020	38,350
7	49,200	41,000
8	52,380	43,650

For Sale Projects – Maximum Household Income Levels

Household Size	Homebuyer Income at or below 80% of AMI
1	37,050
2	42,350
3	47,650
4	52,900
5	57,150
6	61,400
7	65,600
8	69,850

2015 HOUSING TRUST FUND

AFFORDABLE HOUSING PROJECTS

ATTACHMENT B PROPOSAL FORMAT

Four copies of the attached proposal format and required attachments must be submitted, except as specifically noted.

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
2015 HOUSING TRUST FUND
AFFORDABLE HOUSING 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:

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

Tenure Type	# of units
For Sale	
For Rent	

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

Section 2: DEVELOPMENT TEAM

Developer Partners

Name	Address	Phone No.	Key Staff

Other Development Team Members (where applicable)

Architect	
Lawyer	
Accountant	
Certified Environmental Professional	
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?
- How does this project meet the objectives underlying the selection criteria on page 3 of the instructions to this RFP?

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, including the local CDC, involved in the development process? If so, how are they involved?
- How were member of the community notified of this project?
- Note: All projects involving new construction, a change of use, a major rehabilitation of a legal nonconforming use, or projects that require a zoning variance must hold at least one community meeting. If this meeting has occurred prior to the submittal of the RFP, include minutes of that meeting and describe how the public was notified of this meeting.

Section 4: PROJECT READINESS

PROJECT MILESTONES (insert dates as appropriate)

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

* 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” listing all properties to be included in the project.

The **URA Proposed Project Information Form** is available online at: <http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CommunityDevelopment/FormsPublications> , or contact our office for URA documents.

The Department will proceed with the assumption that the URA will apply to your project. For example, acquisition of real property for projects receiving assistance through the Housing Trust Fund is regulated by the URA, including both 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. **Failure to comply with the URA from the earliest stages of your project can jeopardize your ability to access federal funds.**

For this reason, it is crucial that applicants 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.”

For early assistance, complete and submit a URA Proposed Project Information 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
 Phone: (216) 664-4389

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

Note: Even if submitted for advance guidance, a hard-copy printout of the URA Proposed Project Information 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, Pending or Committed)
Developer Equity		
Tax Credit Equity**		
1 st Mortgage Loan		
Other loan: _____		
Other loan: _____		
Other loan: _____		
Other Grant: _____		
Other Grant: _____		
Other: _____		
Total Sources:		
Uses of Funds		
Acquisition		
<ul style="list-style-type: none"> • Existing debt on property & Source 		
<ul style="list-style-type: none"> • Existing debt on property & Source 		
<ul style="list-style-type: none"> • Existing debt on property & Source 		
<ul style="list-style-type: none"> • Existing debt on property & Source 		
Architectural/Engineering		
Site Preparation		
Construction Hard Costs		
Contingency – Hard Cost		
Soft Costs		
Contingency – Soft Cost		

Developer Fee		
Other: _____		
Total Uses		
Surplus/(Gap)		

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

****Projects that are proposing to use equity from 9% Low Income Housing Tax Credit must have, at minimum, a Conditional Reservation for 2014 Credits.**

6. c Projected Rents or Sales Prices

Rental Projects

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

For Sale Projects

# of Bedrooms	# of Homes	Sq. Feet	Projected Sales Price
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.

Information presented in equivalent pro forma formats is acceptable

Section 7: CLEVELAND GREEN BUILDING STANDARD COMPLIANCE

All housing development projects using assistance from the 2015 Housing Trust Fund must comply with the requirements of the Cleveland Green Building Standard. There are two primary 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.

Rating System	Check One
Enterprise Green Communities	
Leadership in Energy and Environment (LEED) - Silver Certification or higher	

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.

Questions about the Cleveland Green Building Standard can be directed to Mike McBride at 216-664-2005 or mmcbride@city.cleveland.oh.us.

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 you have requested or intend to request, in addition to that requested from the Housing Trust Fund.

Need	Amount	Loan Terms	Committed / Pending
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.
- Letter from third party accountant stating the balance of unencumbered cash available as of a date no later than 12/31/2014.
- 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
2015 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 Carlean Alford, Compliance Manager, at (216) 664-2054 or calford@city.cleveland.oh.us. **For information on specific Compliance requirements, please contact the individuals listed on the following pages.**

COMPLIANCE REQUIREMENTS AND CONTACT PERSONS

Applicable Law	Regulation	Triggers	Time Frame	Consequence of Non-compliance
Acquisition/Relocation Uniform Relocation Act (URA) <i>FEDERAL/LOCAL</i> Marc Foy – (216) 664-4389 mfoy@city.cleveland.oh.us <i>Additional information on page 18</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	Before Acquisition of Property	Loss of dollars allocated to the project.
Environmental/Historic <i>FEDERAL</i> Note: Historic Preservation is part of the environmental compliance. Carlean Alford – (216) 664-2054 calford@city.cleveland.oh.us	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 Note: 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.
Lead Abatement <i>FEDERAL/STATE/LOCAL</i> Michael Johnstone – (216) 664-4070 mjohnstone@city.cleveland.oh.us	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 on building built prior to 1978	Prior to Construction Stage	Penalties
Prevailing Wages Davis-Bacon <i>FEDERAL</i> Yvette Mosby – (216) 664-4092 yvosby@city.cleveland.oh.us	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 12 units or more.	Application Stage	Contractor debarment
Affirmative Marketing <i>FEDERAL</i> Yvette Mosby – (216) 664-4092 yvosby@city.cleveland.oh.us	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.	Application Stage	Penalties

<p>Minority/Female Business Enterprise (MBE/FBE) & Cleveland Area Small Business (CSB) <i>LOCAL</i> Jerimiah Triplett Office of Equal Opportunity (216) 664-4178 jtriplett@city.cleveland.oh.us</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>\$50,000 or more of city assistance for construction contracts.</p>	<p>Monthly Reports during the Construction Stage utilizing the B2G NOW and LCP Tracker systems</p>	<p>Forfeit 20% of principle loan/grant amount; 10% of retained contract funds.</p>
<p>Section 3 <i>FEDERAL</i> Yvette Mosby– (216) 664-4092 ymosby@city.cleveland.oh.us</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>\$100,000 in HUD-funded assistance.</p>	<p>Quarterly reports during the Construction Stage.</p>	<p>Application of HUD Sanctions.</p>
<p>Fannie M. Lewis Cleveland Resident Employment Law <i>LOCAL</i> Jerimiah Triplett Office of Equal Opportunity (216) 664-4178 jtriplett@city.cleveland.oh.us</p>	<p>Construction contracts with \$100,000 or more of City assistance require 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 Resident Construction Worker Hours are filled by persons with a family income that does not exceed 50% of the HUD area-wide median income and have been certified by the Office of Equal Opportunity.</p>	<p>\$100,000 or more of City assistance for construction contracts.</p>	<p>Monthly Reports during the Construction Stage</p>	<p>Forfeiture of 1/8th 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>
<p>Americans with Disabilities <i>FEDERAL/LOCAL</i> (Multi-Family New Construction or Multi-Family Rehabilitation Only) Yvette Mosby– (216) 664-4092 ymosby@city.cleveland.oh.us</p>	<p>Multi-family structures (5 units or more under one roof) built for occupancy after March 13, 1991 must meet accessibility requirements - ten percent (10%) 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>

Uniform Act (URA) Additional Information

- Housing Trust Fund dollars are provided by the Federal government and carry with them special regulations and requirements when used for a project or program. All federally-assisted projects involving *acquisition, demolition, rehabilitation or conversion* must comply with the **Uniform Relocation Act or Uniform Act (URA)**. Stricter Federal regulations, such as 104(d), will apply if units occupied by low-income tenants are demolished or converted to something other than low-income housing.

- **URA regulations apply to your *entire project when Federal funds are either anticipated or received, regardless of the specific line item(s) paid by the City or the date that Federal funds are added to the project.*** If you have not already done so, please complete a **URA Proposed Project Information Form** (URA Form) and submit it to the City's URA staff person noted below. Likewise, contact the City *immediately* for instructions on how to proceed. An e-mail address and phone number are provided below.

- Under the URA, all acquisition of real property must follow a prescribed process. For example, property owners and tenants (if applicable) must receive concise, properly formatted and timely HUD notice(s). Likewise the content and delivery of notices must also meet HUD's requirements.

- Property owners and tenants must be informed of their specific rights including, *but not limited to:*

1. Owners who voluntarily sell their property must be informed of their rights in writing via a HUD Notice of Voluntary Acquisition (NVA) and must sign and date receipt of notice as proof of delivery. The NVA and a copy of the documented Current Market Value must be presented at the time of the Initiation of Negotiations for the owner's property. *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 Current Market Value.

2. Tenants residing in a structure which is part of a federally-assisted project or program (anticipated or funded) must be informed of their rights via the appropriate HUD notice(s) and, if applicable, receive certain relocation benefits. All tenants (residential and commercial) are protected under the URA and 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.** Once again, 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.

DEPARTMENT OF COMMUNITY DEVELOPMENT
2015 Housing Trust Fund
Federal, State & Local Compliance Certification

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

Developer Name:	
HTF Project Name:	

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)

**2015 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 Non-procurement 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 Carlean Alford, Compliance Section, City of Cleveland Dept. of Community Development at 216-664-2054.

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 Non-procurement 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:

Documents Required (one copy of each attachment)	Check
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:

	Check
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)	
Continuum of Care Endorsement (Permanent Supportive Housing Only)	

Addendum 1

Single Family Gap-Subsidy Financing

The City will accept applications for stand-alone single family rehabilitations as funds are available. The maximum loan amount will be \$40,000 with a maximum \$30,000 gap subsidy (Loan-Write down).

The homes must be rehabilitated to the City of Cleveland's Green Building Standards and apply for tax abatement. Each rehabilitation project will require compliance with Federal, State, and local regulations for lead hazard abatement. The homes must be sold to a household whose income does not exceed 80% of the area median income. \$10,000 of the construction loan will be converted to a homebuyer 2nd mortgage from sales proceeds.

Each project must have an executed purchase agreement no later than 9 months after the issuance of the Certificate of Occupancy. If the developer fails to do so, the unit must be converted to a HOME rental unit or the developer must repay the HOME funds disbursed for the project.

Construction Financing:

Provides construction financing up to \$40,000 to city-funded CDCs and certified private developers for the high-quality, energy efficient renovation of vacant (1) unit residential properties **requiring** an investment of at least \$40,000. Developer finances expenses in excess of loan funds including acquisition costs. Funding is subject to review committee approval.

Fees:

Program allows a *developer fee* equal to 14% of total development costs (*hard + soft + acquisition*). Participants serving as both developer and general contractor may also receive a general contractor fee equal to 20% of direct rehabilitation costs (*materials & labor*).

Loan Terms:

30 months; 0% interest with no payments the first (6) months. 6% interest-only until sale; repayment in full at month 30 if home remains unsold.

Loan Draws:

No advances. Loan payments on a reimbursement-only basis for eligible costs associated with completed, documented (*AIA forms*) and inspected work. One draw every 30 days following contract certification. GC fee may be drawn proportionate to percentage of work completed.

Homebuyer Eligibility:

Homes must be ***sold*** to city-approved owner-occupants earning less than 80% of Area Median Income. Buyer eligibility criteria include at least one 600+ credit score; minimum \$500 contribution; sufficient front- (29%) back-end (41%) ratios; non-predatory first mortgage loan approval, and at least (8) hours of homebuyer counseling from a HUD-approved agency. A *short-term lease purchase agreement* is permissible for those with a viable plan to achieve homeownership.

Homebuyer Assistance:

City provides forgivable second mortgage with neither interest nor payments in an amount not to exceed \$10,000 and requires occupancy as primary residence for the program's (5) year affordability period.

Subsidy/Loan Forgiveness:

Loan forgiveness (*gap subsidy*) is *capped at \$30,000*. *The gap subsidy is equal to the difference between the verified total development costs and the final sales price*. ALL sales prices adjustments must be approved by the City. Developer also receives credit toward loan repayment equal to the amount of buyer's 2nd mortgage. Developer re-pays total loan funds drawn *minus* gap subsidy *minus* second mortgage amount from proceeds of sale.

Compliance:

Developer must fully comply with all applicable local, state and federal rules and regulations including but not limited to, Uniform Relocation Act (URA), environmental, historic, lead/asbestos, and affordability. All projects must also meet City of Cleveland energy efficiency requirements.

For more information and a complete application packet, please contact Joseph Gabbard, 216-664-4048, jgabbard@city.cleveland.oh.us.

Project Information			
Please note: To be eligible for funding, subject property must have been vacant at least (90) days prior to signing a Purchase Agreement and cannot have been vacated as a condition of sale.			
Project Site Address:			
PPN	Census Tract	Model Block Yes <input type="checkbox"/> No <input type="checkbox"/>	
Ward		Neighborhood	
Property Acquisition			
Source/Seller	Price	Purchase Agreement (Date)	Close (Date)
a. Vacant Lot	Yes <input type="checkbox"/> No <input type="checkbox"/>	c. Total # residential units at time of acquisition?	
b. Vacant Building	Yes <input type="checkbox"/> No <input type="checkbox"/>	d. Total # residential units after rehabilitation?	
e. Was subject property vacant 90+ days prior to signing Purchase Agreement?			Yes <input type="checkbox"/> No <input type="checkbox"/>
f. Has the subject property been vacant since acquisition and is it currently vacant?			Yes <input type="checkbox"/> No <input type="checkbox"/>
g. Was subject property vacant on the date deed was recorded?			Yes <input type="checkbox"/> No <input type="checkbox"/>
h. Is there a foreclosure in the chain of title?			Yes <input type="checkbox"/> No <input type="checkbox"/>
i. Does structure contain any commercial units?			Yes <input type="checkbox"/> No <input type="checkbox"/>
j. Percentage of construction completed to date?			
Green Communities Rater (see approved providers list):			
Projected post-rehab square feet of livable/finished space:			
Financing Information			
Total Estimated Project Costs:		Estimated Post-Rehab Appraised Value:	
Hard Costs/SF:		HOME Loan Funds Requested:	
Sales Price/SF		Eligible Buyer @ < 80% AMI identified?	
Are other federal funds requested, received or anticipated for this project?			
1. CDBG Yes <input type="checkbox"/> No <input type="checkbox"/> Amount:	2. HOME Yes <input type="checkbox"/> No <input type="checkbox"/> Amount:	3. Other Yes <input type="checkbox"/> No <input type="checkbox"/> Type:	Amount:

Signature & Authorization

The undersigned attests all information furnished herein is true and accurate to the best of his/her knowledge and that he/she is authorized to submit this application on behalf of the applicant company or the Board of Directors of a community development organization. Signatory also authorizes the Department of Community Development, and/or any of its agents, to contact any person or company listed herein for the purpose of verification of information contained within.

Signatory authorizes the City of Cleveland, and its assigns, acting by and through the Department of Community Development, to obtain and receive all information or records in connection with the consideration or administration of the Housing Trust Fund Program and agrees to comply with all federal, state and local regulations associated with this program. Signatory also authorizes City of Cleveland to assign, release, and forward this application to any federal, state or local agency as they determine to be appropriate.

The Housing Trust Fund Program does not discriminate on the basis of a borrower's race, religion, sex or national origin. Borrower's eligibility will be determined upon verification of the information provided.

The undersigned fully understands it is a federal crime punishable by fine or imprisonment, or both, to knowingly make false statements concerning any of the above facts as applicable under the provisions of Title 18, United States Code, Section 1014.

Print Name	Print Title
Signature	Date

Please consult with Housing Trust Fund Program staff to clarify project-specific documentation requirements.

Housing Trust Fund Program
Attn: Joseph Gabbard
601 Lakeside Avenue, Room 320
Cleveland, Ohio 44114
(216) 664-4048
jgabbard@city.cleveland.oh.us

HTF Housing Renovation Program
Construction Loan Application Instructions & Checklist

1. Print, scan and email **as a single attachment** (.pdf or .tif) all materials applicable to your project in the order they appear below to jgabbard@city.cleveland.oh.us.
2. Email **original digital files** of the following documents: HOME HTF Loan Application, Sources & Uses, Projected Post-Rehab Appraisal, Digital Color Photo of Exterior Façade, Project Construction Schedule and Green Development Plan.

- HOME HTF Loan Application**
- County Auditor's Data**
- Sources & Uses – Project Estimates**
- Site Acquisition Documents (as applicable)**
 - Purchase Agreement*
 - Final HUD Settlement Statement (signed and dated by buyer)*
 - Proof of Payment (matching Settlement Statement)*
 - Property Deed(s)*
 - County Auditor's Website Data*
 - Justification of Value Statement*
- Funding Source Verification: Developer's 20% Equity Participation**
- Project Specifications & Plans (detailed, room-by-room, line-item costs & quantities)**
- Projected Post-Rehab Appraisal (based on approved specs by independent appraiser)**
- Environmental/Historic Review Form: complete parts 1 -3.**
- Marketing Plan**
- Digital Color Photo of Exterior Façade**
- Property Title Report**
- Project Construction Schedule: attach original computer file (Excel preferred).**
- Uniform Relocation Act (URA) Documentation (as applicable)**
 - URA Pre-Assessment Checklist (appropriate to source of acquisition)*
 - Documentation of Acquisition*
 - Justification of Acquisition Cost (If Purchased for Substantially Less Than 1% Below Fair Market Value)*
 - Notice of Voluntary Acquisition*
 - Seller's Certificate of Occupancy Status*
 - Confirmation of Tenant Protections (if foreclosed-upon after 2/17/09)*
 - Proof of Vacancy 90+ Days Prior to Signing Purchase Agreement*

Green Development Plan & Pre-Rehab Energy Analysis/Modeling