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**Office of Temporary
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**2023 Request for Proposals
for
Homeless Housing and Assistance Program (HHAP)**

**Applications Accepted Beginning May 25, 2023
Homeless Housing and Assistance Program
Request for Proposals**

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Homeless Housing and Assistance Program Request for Proposals

(Issued May 2023)

I. Introduction

The Homeless Housing and Assistance Corporation (HHAC) and the New York State Office of Temporary and Disability Assistance (OTDA) invite applicants to apply for funding under the Homeless Housing and Assistance Program (HHAP).

The Homeless Housing and Assistance Program, enacted by Chapter 61 of the Laws of 1983 and set out in Sections 41 through 44 of the Social Services Law, authorizes a program of State-funded grants or loans to acquire, construct or rehabilitate housing to expand the supply of housing for low-income persons who are, or would otherwise be, homeless. A homeless person is defined as an undomiciled person (whether alone or as a member of a family) who is unable to secure permanent and stable housing without special assistance, as determined by the Commissioner of OTDA. Non-profit corporations and their subsidiaries, charitable organizations, municipalities and public corporations are eligible to be funded.

HHAC is a public benefit corporation administered by staff of OTDA and is a subsidiary of the New York State Housing Finance Agency (HFA). HFA issues bonds to finance the costs of HHAP projects. Execution of HHAP contracts requires approval by the HHAC Board, as well as approval by OTDA's Commissioner's Office following review by OTDA's Bureaus of Contract Management and Budget Management, as well as the Minority/Women-Owned Business Enterprise (M/WBE) Program Management Unit and Division of Legal Affairs.

A. Available Funds

Awards made pursuant to this Request for Proposals (RFP) are derived principally from the annual appropriation for HHAP made within the State Budget for the current State Fiscal Year (SFY). Additional funding may also be made available through special purpose appropriations. Any additional funding appropriated subsequent to the release of the RFP will be described and announced by addendum to the RFP and posted on OTDA's website which is found by clicking here: [Contract and Grants | OTDA \(ny.gov\)](https://www.otda.ny.gov/contract-and-grants)

B. Other Program Opportunities

From time to time, HHAC may partner with other state agencies and public benefit corporations to maximize state housing resources. If and when such opportunities are available, a supplemental notice will be posted on the HHAC RFP website with further information.

II. Important Notice to Applicants

This is an open-ended RFP. Proposals will be accepted for consideration on a continuous basis until funds are no longer available for award or until HHAC suspends or terminates the open-ended RFP.

Applications are reviewed and scored in the order they are received. Applications will be evaluated and considered in business day grouping, from postmarked date. All applications must be received by mail or delivery service. The HHAC Board will make final selections, typically on a bi-monthly basis, and advise all applicants of its decisions. Unsuccessful

applicants may re-apply for funding; however, an application for the same project will not be accepted more than twice in any single State Fiscal Year (April 1st – March 31st) unless HHAC determines that doing so is in the best interest of the State.

Applications should not be submitted if the applicant is not ready to begin development activities. Those applicants that receive an award must be prepared to enter into contract negotiations immediately and begin development activities upon execution of the contract. HHAC reserves the right to rescind any award to any applicant that does not begin conducting development activities immediately following contract execution.

When available funds are committed or HHAC decides to suspend or terminate the acceptance of applications, a notice will be posted on OTDA's website. Applicants are urged to check OTDA's website, which can be found by clicking here [Contract and Grants | OTDA \(ny.gov\)](#), prior to completing and submitting an application to determine whether proposals are currently being accepted.

An original, two (2) hard copies, and five (5) complete electronic versions, for a total of eight (8) copies of each application and accompanying exhibits must be received in order to be considered for funding. Note that electronic copies must be submitted on USB Flash/thumb drives. Acceptable file types include Word (.doc, .docx), Excel (.xls, .xlsx), Adobe (.pdf), Joint Photographic Experts Group (.jpg), and Graphics Interchange Format (.gif), as appropriate to the format of the application and the supplementary information required. A table of contents listing all electronic files and clearly identifying the section of the application to which they pertain should be included. File names must begin with a reference to the section (exhibit) of the application to which they pertain. Electronic versions of the application that consist merely of a scanned version of the entire application will be deemed unresponsive to the RFP.

Applications will be reviewed and awards considered in the order in which they are received. Please be aware that the method of delivery (i.e., U.S. Postal Service, overnight delivery service or hand delivery) may impact the date and time a proposal is received. E-mailed or faxed materials will not be accepted.

Proposals should be delivered to:

Bureau of Contract Management
NYS Office of Temporary and Disability Assistance
40 North Pearl Street, 12-D
Albany, New York 12243
(518) 486-6352
Attention: Marcos Ortiz

Please note that the above contact and telephone number are for delivery purposes only.

A. Questions about the RFP

Written questions regarding this RFP will be accepted continuously. No telephone inquiries will be accepted. Answers to all questions will be posted on OTDA's website (www.OTDA.ny.gov/contracts/2023/HHAP) on an ongoing basis. **All questions must be typed.** Along with the question(s), please provide your name, organization, mailing address and email. Questions may be submitted via mail, fax or email to:

Michael Washburn
NYS Office of Temporary and Disability Assistance
40 North Pearl Street, 10-C
Albany, New York 12243
E-mail: Michael.Washburn@OTDA.ny.gov

B. RFP Schedule and Funding Process

Request for Proposals Released:

Proposal Due Date: Applications will be accepted on a continuous basis beginning May 25, 2023 until available funding is committed or HHAC decides to suspend or terminate the acceptance of applications. **Applications will not be accepted earlier than May 25, 2023 at 11:00am.**

Notification of Awards: Ongoing

Complete applications will be reviewed and site visits may be conducted at any time following receipt of an application. Applicants should not submit proposals until their application packages are complete; all application components must be submitted at the same time. Omitted or supplemental materials will not be accepted for consideration following the submission of an application, except as otherwise specified in the RFP or requested by HHAC. The status of reviews will not be communicated during the review period.

C. Priority Projects

Priority points will be given to the following projects:

- 1) Applications that propose supportive housing developed utilizing services and operating funding obtained through the Empire State Supportive Housing Initiative (ESSHI); or
- 2) Applications that propose supportive housing projects targeted to veterans. Such projects may serve single homeless veterans or homeless veterans and their families. In order to obtain priority points, the funding application must propose housing for veterans and:
a) demonstrate a need for homeless veteran housing in the proposed community and
b) include service agreements with a range of veterans' service providers and clearly delineate processes for referral, intake, and the provision of supportive services that take into consideration the specific needs of homeless veterans and their families;
or
- 3) Applications that propose supportive housing projects targeted to long-staying families in emergency housing; or
- 4) Applications where the majority of funding will come from a source, or sources, other than HHAC and at least 75% of the non-HHAP funding is already committed.

Although at the time of issuance of this RFP the above project types constitute HHAP priorities, HHAC reserves the right to select the projects that will best carry out the purposes of the HHAP statute. For additional information, see Section IV.E of this RFP. For additional information about ESSHI, please see Appendix C.

Applicants for any proposed project, particularly those involving units that rely upon operating funding under ESSHI, are strongly encouraged to first submit a Concept Paper to HHAC. Concept Paper Guidelines are included in a separate attachment to this RFP. The Concept Paper will be reviewed in coordination with involved State and local capital funding agencies. HHAC reserves the right to amend this RFP by addendum, if determined to be in the best interest of the State.

Addendums to the RFP are posted on OTDA's website which is found by clicking this link: <https://otda.ny.gov/contracts/procurement-bid.asp>

D. Supportive Services

HHAP has a strong commitment to programs that provide not only housing, but the support services necessary to ensure the long-term housing stability of their residents. Therefore, the availability of and access to various support services such as employment and training opportunities, parenting classes, legal assistance, counseling, independent living skills training, primary and mental health care, childcare, and benefits advocacy are critical components of any project funded under HHAP. The support services provided must be tailored and appropriate to the specific population to be served (e.g., safety planning for victims of domestic violence, treatment for persons with substance use disorders, etc.). The services can be provided on- or off-site (or a combination of both), and directly by the project sponsor or through partnerships with other community-based agencies (or a combination of both).

HHAP funding cannot be used to support the ongoing operational or programmatic needs of the project. However, project sponsors are still required to clearly delineate what services will be offered, by whom, and how they will be financed. Applicants are strongly encouraged to network extensively with locally based service providers in order to develop a comprehensive array of services to be made available to tenants.

E. Community Notification and Local Social Services District Support

HHAC requires that applicants submit written documentation showing that the local planning board (in the case of New York City, the Community Board) has been notified of the proposed project within 30 days of the date that the application is submitted to HHAC. A copy of such notification, as well as the response from, or any other action taken by, the local planning board must be provided to HHAC. Applicants not submitting evidence with their application that the local planning board has been notified will be given 45 days from the date of application to submit this evidence as required. Failure to submit such evidence may disqualify an application.

Applicants must also submit documentation showing that the local social services district has been notified of the applicant's intent to develop a homeless project. Preference will be given to applicants that demonstrate local social services district support, regardless of whether the population to be housed falls under the supervision/jurisdiction of another local agency (i.e., youth, mental health, criminal justice). Prior to making funding determinations, all applications will be shared with the appropriate local social service districts for review and comment.

Also, applicants must submit documentation showing the local Continuum of Care (CoC) has been notified of the applicant's intent to develop a homeless project in proposed area, for the

proposed homeless population. Preference will be given to applicants that demonstrate the CoC supports the proposed project.

Applicants, particularly those in New York City, should note that local laws may require community approval of a homeless housing project where the project involves the purchase of municipally-owned property or the utilization of a municipal contract for the provision of special operating funds (e.g., the "fair share" approval process in New York City). Applicants should familiarize themselves with these requirements and be prepared to obtain such approvals prior to project development or provide a preliminary letter of support from the community.

Applicants are strongly encouraged to begin working with their local communities as soon as possible to develop support for their homeless housing projects. Not only can such support and involvement assist in the planning process, it can also enhance the success of an application and the long-term operations of the project, once it is occupied.

F. Referral Sources

HHAC may require projects funded by HHAP which provide transitional or permanent housing to take all or most of their referrals from local shelters, hotels/motels or emergency housing. Where applicable, referrals should be made in tandem with the local Continuum of Care and Coordinated Entry system.

G. Rent Levels

Projects funded by HHAP must be affordable to the homeless population that they intend to serve. For most projects, this means that applicants should plan to maintain project rents at the public assistance shelter allowance maximum for their area, or 30% of a tenant household's adjusted gross income (as currently defined in 24 CFR Part 5 and used by HUD to determine income eligibility), exclusive of subsidies, or up to 40% of a tenant household's adjusted gross income if both heat and electric utilities are provided and included in the rent. See Appendix J for the schedule of the public assistance shelter allowance levels throughout the State.

It is HHAC's experience that projects with diversified revenue streams are more financially stable over the course of the contract term than those that rely solely on the shelter allowance. For this reason, HHAC encourages applicants to explore income possibilities that will supplement the public assistance shelter allowance.

While HHAP funds cannot pay for capital and ongoing operating costs associated with non-homeless units, interested applicants may consider other funding sources for these units, including, but not limited to, the New York State Office of Mental Health (OMH), the New York State Office of Addiction Services and Supports (OASAS), The Empire State Supportive Housing Initiative (ESSHI), New York State Homes and Community Renewal (HCR), the New York State Housing Finance Agency (HFA), the U.S. Department of Housing and Urban Development (HUD), the New York City Department of Housing Preservation and Development (HPD), the New York City Housing Development Corporation (HDC), and the Federal Home Loan Bank (FHLB). Units funded by HHAC must be set-aside for homeless individuals and/or families.

HHAC reserves the right to review and approve mixed-use housing proposals, as long as they can be developed within HHAC timeframes, on a case-by-case basis.

H. Tenant Income

HHAC-funded units must be occupied by homeless, extremely low-income households unless otherwise approved by HHAC. An extremely low-income household is defined as one having an income of 30% or less of the area median income (AMI), adjusted for household size.

Subject to the approval of HHAC, when rental subsidies such as ESSHI or Project-based Section 8 are committed to the project, the rental subsidy may be considered in calculating total tenant income for the purpose of allowing HHAP units to be registered at up to 50% AMI. In no instance may a tenant's portion of rent exceed 30% of their gross income.

I. Project Progress

Applicants chosen for funding will have a **maximum of six (6) months** to progress to the Pre-construction phase (as described in Appendix B) of the project, or a **maximum of twelve (12) months** to progress directly to a Final Award. Failure to adhere to HHAC's post-award timeframe to the satisfaction of HHAC may jeopardize the award reservation. HHAC may exercise its option to rescind an award reservation for failure to proceed in a timely manner.

J. Parent Organizations and Subsidiary Corporations

A parent organization that forms one or more subsidiary entities to develop and hold title to a HHAP-funded project will be required to either act as a co-sponsor or to enter into a guaranty agreement with HHAC providing that it will: 1) be available as a resource to its subsidiary; 2) assist to "cure" any event(s) of default under the HHAP agreement; and 3) ensure that it will act as an alternate manager if required by HHAC, or will identify an entity acceptable to HHAC to do so in the event of default.

K. Notes, Mortgages and Lien Position

HHAC will require that successful applicants execute appropriate note(s) and mortgage(s) securing the amount of the award in favor of HHAC. It is HHAC's policy to have a first lien position for its mortgages. When other funding sources are involved in project financing, HHAC may permit other institutions to take co-equal first lien position if it is in the best interest of the HHAC to move forward with the project. **Important to note:** This policy should be communicated to potential project funding sources. Sponsors are strongly encouraged to provide a copy of the HHAC contract, note(s), mortgage(s) and intercreditor agreement to existing or potential funding sources early in the process.

L. Olmstead Compliance

The United States Supreme Court decision known as *Olmstead v. L.C.*, 52 U.S. 581 (1999) ("*Olmstead*") affirmed that segregation of individuals with disabilities is unlawful under the Americans with Disabilities Act (ADA). Following the *Olmstead* decision, there have been increased efforts across the country to assist individuals who are institutionalized or housed in other segregated settings to move to integrated, community-based settings.

Working in collaboration with State, federal, and/ or local partners, HHAC will review all proposals to assess whether persons with disabilities will be served in the most integrated setting appropriate to their needs. In developing any proposal for HHAP funding, please review the following guidance regarding compliance with the Olmstead decision:

Within the context of housing, integrated settings enable individuals with disabilities to live as individuals without disabilities. Integrated settings also enable individuals with disabilities to live independently with individuals without disabilities and without restrictive rules that limit their activities or impede their ability to interact with individuals without disabilities. Examples of integrated settings include scattered-site apartments providing permanent supportive housing, tenant-based rental assistance that enables individuals with disabilities to lease housing in integrated developments, and apartments for individuals with various disabilities scattered throughout public and multifamily housing developments.

By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities.

Please note that integrated settings are required for projects serving homeless populations that fall under the Americans with Disabilities Act (ADA), including but not limited to individuals with Severe Mental Illness (SMI), Substance Use Disorder (SUD), intellectual or developmental disabilities (I/DD), or persons living with HIV or AIDS. Generally, mixed-use projects that integrate affordable housing with supportive housing are considered integrated, provided that no more than 50% of the total units are reserved for individuals with disabilities (60% in New York City). Please also note that certain State agencies providing ESSHI or other funding may have additional restrictions or considerations for the project. For example, the Office for People with Developmental Disabilities (OPWDD) requires that the total number of units serving individuals with I/DD may not exceed 25% within a project, and that the total percentage of all individuals with disabilities in a project may not exceed 30%. When the Office of Addiction Services and Supports (OASAS) will be the agency providing ESSHI funding, projects consisting of 31 or more dwelling units are expected to comply with the above-stated Olmstead requirements.

For additional guidance, please see the following publications from New York State and the US Department of Housing and Urban Development (HUD), "Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of Olmstead": Please click on the two links below:

HUD's Olmstead Guidance: [HUD Olmstead Guidance 2013 06 04 FINAL](#)

Olmstead Community Integration:

[The Most Integrated Setting Coordinating Council \(MISCC\) \(ny.gov\)](#)

M. Incorporating Health Across All Policies into State Agency Activities

Executive Order No. 190 (EO 190), entitled "Incorporating Health Across All Policies into State Agency Activities," requires that this RFP take into consideration the New York State Prevention Agenda priorities and the World Health Organization's Eight Domains of Livability to help meet the needs of New York residents by promoting their health, safety, and well-being. (for additional details, see Appendix M).

Consistent with EO 190, state specifically whether and how the proposal will accomplish one or more of the following:

- Prevent chronic disease
- Promote a healthy and safe environment
- Promote healthy women, infants and children
- Promote well-being and prevent mental health and substance use disorders
- Prevent communicable diseases

- Improve the ability of residents to continue living in their communities in a manner consistent with their abilities and values
- Considers approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and a quality of life in strong, healthy communities
- Increases consumer access to health and supportive services

This information should be entered in Section C-4 of the Application in response to question 2. Please note that responses to the EO 190 requirement will be evaluated and scored as part of the review of all proposals.

N. Adopting a Sustainability and Decarbonization Program by State Agencies

Executive Order 22 (EO 22) entitled “Leading by Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program” (EO 22) requires that this RFP take into consideration the intent of EO 22 to advance environmental protections and sustainability with an emphasis on disadvantaged communities (for additional details see Appendix N).

The EO directs changes to the requirements, standards and/or goals in at least the following areas of construction and development:

- Construction materials;
- Reduction in energy, greenhouse gas, electricity, waste and toxic substance use;
- Evaluation of climate risk;
- Promoting biodiversity and habitat protection;
- Environmental impact on disadvantaged communities.

Your application should describe specifically how you plan to address these factors.

III. Eligibility Requirements

A. Applicant Eligibility and Experience

Applications may be made by:

- Nonprofit corporations and their wholly-owned subsidiaries
- Charitable organizations and their wholly-owned subsidiaries
- Jointly-owned entities in which a nonprofit corporation, charitable organization or the wholly-owned subsidiary of either maintains a **majority ownership interest in and control of the joint entity** and has an approval role in project development and management
- Municipalities, and
- Public corporations.

Applications may be submitted by a single organization, by organizations working jointly as co-applicants, or by a single organization working in cooperation with a supporting organization.

Housing development and management is frequently a complex and difficult process. The provision of support services to homeless and special needs populations requires appropriate expertise. Therefore, HHAC advises potential applicants who do not have demonstrable, successful experience in these areas to consider submitting proposals jointly with organizations whose experience can complement their own. There are two basic approaches to such joint ventures:

1. Co-applicants can submit a proposal with each organization playing a separate significant role in the proposed project (e.g., one as the developer and the other as the manager of the completed project). In this instance, **both organizations will co-sign the contract with HHAC and will share legal responsibility for the implementation of the project** with specific responsibilities delineated in the contract. Both applicants must be eligible sponsors as set forth above.
2. A single applicant can submit a proposal with a supporting organization identified. In this instance, the primary applicant will have the full legal responsibility under its contract with HHAC to implement the proposed project but will define an area or areas of project development or operation in which it will receive substantial assistance from the supporting organization (e.g., the provision of support services). A written agreement delineating the respective duties of the supporting organization must be provided in a form acceptable to HHAC.

In either of the above cases, the proposal must demonstrate that the two organizations working together will be able to develop and manage the type of homeless housing proposed and provide the appropriate support services for the population to be housed, either directly or through referral to community agencies. The applicant, co-applicant, or supporting organization's ability to do this will be evaluated on the basis of:

- Previous development experience of the applicant, co-applicant or supporting organization as outlined in the application;
- Previous management experience of the applicant, co-applicant or supporting organization; and
- Experience of staff, officers, members or directors, of the applicant organization and any co-sponsor as it specifically relates to the financing, development or management of housing for homeless or special needs populations.

Applications that rely on the experience and expertise of other organizations to meet the above criteria must include evidence in the application of the commitment and ability of the other organization, whether a co-applicant or supporting organization, to participate in the project and provide the planned assistance. The application must clearly describe the expertise and responsibilities of each organization, and the relationship between them, as well as the respective duties of each.

The applicant, co-applicant, and supporting organization, if applicable, and any other professionals directly involved in and essential to the development of a proposed project are referred to collectively as the "development team". HHAC requires that the key members of the development team be identified in the application, including the project architect, attorney, and if applicable, the development consultant, pre-selected construction manager (CM) or pre-selected general contractor (GC). Prior successful experience with HHAP or supportive housing development will be favorably considered. Conversely, applicants, consultants or other members of the development team known to have unsuccessful or problematic experience with HHAP or other State-funded programs will not be favorably considered. HHAC reserves the right, at its discretion, to require the replacement of a member or members of the development team as a condition of award. HHAC may consult with the Vendor Responsibility Unit of the Office of the State Comptroller (OSC) or other State agencies to assist in making such a determination.

*The applicant, co-applicant, and supporting organization, if applicable, and any other professionals directly in contract with the applicant or co-applicant (together, "Applicant") must complete a **Vendor Assurance of No Conflict of Interest or Detrimental Effect** form, attached hereto as Appendix L. In addition, **Applicant** shall also submit information with the*

form about pending or prior lawsuits, investigations or other conflicts of interest. Applicant must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how the matter before the Commission was resolved or whether it remains unresolved.

If Applicant receives an award pursuant to this RFP, the HHAC contract shall also include the following provisions (please also refer to Appendix L):

The [Applicant] warrants that all statements and information set forth in the Vendor Assurance of No Conflict of Interest or Detrimental Effect form attached hereto and hereby incorporated by reference are true, complete and correct in all material respects. [Applicant] further reaffirms the attestations made in the proposal and covenants and represents that there is and shall be no actual or potential conflict of interest that could prevent [Applicant's] satisfactory or ethical performance of duties required to be performed pursuant to the terms of this Agreement. [Applicant] shall have a duty to notify the Corporation immediately of any actual or potential conflicts of interest.

In conjunction with any contract by [Applicant] with another party, including but not limited to the general contractor, architect, developer or consultant, [Applicant] shall obtain and deliver to the Corporation, prior to entering into a contract with such party, a Vendor Assurance of No Conflict of Interest or Detrimental Effect form, which shall be on a form provided by the Corporation and signed by an authorized representative or legal representative of such party.

B. Eligible Populations to be Served

Projects must serve homeless persons as defined in Section 42 of the Social Services Law and 18 NYCRR Part 800. If projects propose to house both homeless and non-homeless populations, HHAP funds can be awarded for **only** that portion of the project that will serve the homeless. However, should the applicant be successful in securing funding for the development of housing for a non-homeless population, the development of mixed-income housing is encouraged and will be viewed favorably during the evaluation process.

Applications proposing the development of mixed income housing or mixed-use housing must provide information relating to the total project, including both homeless units and non-homeless unit/components. This includes but is not limited to the development budget, operating budget, site development information, scope of work, cost estimate, floor plans, etc.

Projects may serve either a mixed population of homeless persons or an identified special needs homeless population. Specific special needs populations include, but are not limited to:

- Persons with a mental illness
- Persons with physical disabilities
- Persons with HIV/AIDS
- Youth, including young adults aging out of foster care
- Domestic violence survivors
- Veterans
- Ex-offenders and/or,
- Persons with substance use disorders

Please note that programs providing residential services to a special needs population may require licensing or certification by a State agency such as OTDA, the Office of Children and

Family Services (OCFS), OMH or OASAS. Such licensing or certification process usually requires demonstration of compliance with design, maintenance, fire, safety, health and program services standards. Applicants must submit documentation that the applicant has applied to the appropriate agency for licensing or certification and provide the status and results of the agency's review.

Furthermore, applicants considering a project which will require licensure or certification are strongly urged to identify appropriate revenue streams sufficient to satisfy all regulatory requirements and document the availability of such funding to the project. HHAP will not consider funding licensed, certified, or otherwise regulated programs without the identification of sufficient revenue and preliminarily committed funds.

Additionally, applicants seeking funding for rental housing that restricts occupancy based on age may need to obtain an exemption from the New York State Division of Human Rights in accordance with Executive Law Section 296(2-a)(e). Proof of exemption from DHR may be a condition to any award or contract closing with HHAC.

C. Eligible Types of Housing and Initiatives

To be eligible for funding under HHAP, a project must be one or a combination of the types of facilities described below. Please note, that to promote the State's overall commitment to permanent supportive housing, a minimum of 65% of the funds available to HHAC in any given State fiscal year will go to permanent supportive housing.

1. **Permanent Supportive Housing** - Eligible projects are those that provide stable, long-term supported living accommodations in an apartment or single room occupancy (SRO) setting. Services must be made available and may include but need not be limited to: comprehensive case management; information and referral; advocacy; counseling; and appropriate health; mental health; job training; or educational services. These services may be provided on-site by qualified staff or by referral to qualified service organizations in the community. All the services to be provided should be described in the proposal and any existing or proposed linkage agreements from any service provider other than the applicant should be included. The type of service and level of care provided should be appropriate for the needs of the population to be housed or served.

2. **Transitional Housing** - Eligible projects are those that provide housing in an SRO or an apartment-type accommodation, accompanied by support services to assist homeless persons or families in transitioning to a stable living situation. Resident stays in transitional housing may extend from several months up to two years. Services may include but need not be limited to: case management services; mental health and substance use treatment or aftercare; assistance in budgeting and household management; training in everyday living skills; and vocational training. Services can be provided directly by the project sponsor or by referral to other agencies or organizations in the community. All services offered must be described in the proposal and letters of commitment or proposed or existing linkage agreements must be included from any other service providers. Proposals to open or expand transitional facilities will only be considered if there is a reasonable and demonstrable expectation of placement in decent, safe, and affordable long-term housing at the end of the stay and that assistance in obtaining such placement is provided by the facility.

3. **Emergency Shelter** - Eligible projects are those that provide short-term shelter. In addition to overnight lodging, services may include but need not be limited to: provision of meals and clothing; case management; assessment and referral; advocacy; child care; parenting skills; assistance in budgeting and household management; training in everyday living skills; counseling; and appropriate health; mental health; job training; or educational services. All the

services that are to be provided by the project should be described in the proposal, and letters of commitment from other service providers should be included. Applications proposing emergency shelter must describe and document sufficient sources of revenue, such as a negotiated per diem with the local social service district. As with transitional housing, proposals to expand or develop new emergency shelters will be considered only if there is a reasonable and demonstrable expectation that placement in decent, safe and affordable permanent housing will be made available at the end of the shelter stay and that a permanent housing placement or referral is a service provided by the shelter.

4. **Existing Emergency Shelter Repairs** – In support of the Governor’s initiative to improve shelter conditions, up to \$1,000,000 of the HHAP annual appropriation has been made available for applications that request funds for existing emergency shelter repairs. Eligible applicants are owners or operators of existing emergency shelters outside of New York City that also meet the eligibility criteria in Section III A. Funding is limited to proposals that will undertake facility improvements critical to the health and safety of shelter residents and/or assist the shelter with any current non-compliance issue(s), which the shelter does not otherwise have the means to remedy. Repair costs of up to \$150,000 per facility may be requested and no project may be awarded more than \$150,000 under this category. Once the \$1,000,000 cap is reached for this funding category, the RFP will close for funds of this type and HHAP will stop accepting existing emergency shelter repair applications. **Please see information on page 29.**

5. **Housing for Homeless Persons with AIDS or HIV-Related Illness** - A \$5 million set-aside for projects providing housing and services to homeless persons with AIDS or HIV-related illness is included in the budget appropriation for HHAP. Such projects may serve either single persons or families where one or more members have AIDS or HIV-related illness.

6. **Housing for Homeless Veterans** - A \$5 million set-aside for projects providing housing and services to homeless veterans is included in the budget appropriation for HHAP. Such projects may serve single homeless veterans or homeless veterans and their families. These projects must propose housing for veterans and: a) demonstrate a need for homeless veteran housing in the proposed community and b) include service agreements with a range of veterans’ service providers and clearly delineate processes for referral, intake, and the provision of supportive services that take into consideration the specific needs of homeless veterans and their families.

7. **Housing for Homeless Individuals over the age of 55** - HHAC will fund supportive housing projects targeted to homeless individuals over the age of 55 (e.g.: senior frail elderly). These projects must serve a homeless population with referrals coming from one or more of the following: a) the local social services district; b) the local Continuum of Care Coordinated Entry System; or c) a local homeless shelter.

8. **Empire State Supportive Housing Initiative**— In 2016, New York State committed to developing 6,000 new permanent supportive housing units, over the next five years. The State Fiscal Year (SFY) 2022-23 Budget continued funding to advance this comprehensive plan for affordable and supportive housing to ensure New Yorkers have access to safe and secure housing. The State has committed this funding in order to create or preserve affordable and supportive housing units. As part of that commitment, funding for the Empire State Supportive Housing Initiative (ESSHI) Inter-Agency Service and Operating Funding Opportunity was made available for the operation of at least 1200 units annually of supportive housing for persons identified as homeless with special needs, conditions or other life challenges. Projects that also meet the eligibility criteria in Section III A. herein which will apply for or have been granted a conditional ESSHI award may also be eligible to apply for HHAP funding. For more information about ESSHI, please refer to Appendix C.

9. **NYS Office of Mental Health (OMH) Supportive Housing (SP-SRO)** – Eligible projects provide private living units accompanied by support services for individuals who have minimal self-maintenance and socialization skills. A SP-SRO is considered long-term or extended stay housing. Providers must abide by the OMH "Supported Housing Guidelines." Other than 24-hour front-desk coverage, 24-hour staffing is not required; tenants should have access to support services as needed. Support services may be separate from the housing or may be provided by on-site staff. Prior to opening the residence, providers will be required to submit a "Supported Housing Application" to OMH. The living units may be designed as apartments or as suites with single bedrooms around shared living spaces. OMH operating funding may be available to SP-SRO programs. Please note, however, other capital and operating funding sources may have specific requirements/ limitations regarding design and occupancy. For additional information regarding OMH housing options, please contact the Bureau of Housing Development and Support within OMH at (518) 474-5191. Please visit the NYS Office of Mental Health website by clicking here: <https://omh.ny.gov/>

10. **Licensed or Certified Facilities** – Eligible projects include those that must be licensed or certified by State agencies and that provide mandated levels of care and supervision to individual residents. Applicants proposing to serve a special needs homeless population (e.g., persons with mental illness or substance use disorder, youth, domestic violence survivors or persons with developmental disabilities), are advised to consult with other State agencies which may regulate, license or certify programs or facilities for the proposed population to be served. HHAP funding will only be considered if the applicant can show that: 1) the special needs population to be served can be demonstrated to be homeless; 2) other available sources of capital funding have been fully utilized and project development would not be feasible without HHAP funds; 3) sufficient operating revenue is available and has been secured to support the level of services; and 4) the applicant can demonstrate, in writing, licensing agency support.

11. **Preservation of Units in Existing Homeless Programs and Operating HHAP Projects** – While it is HHAC's strong preference to expand the availability of homeless housing through the creation of new units, it is also possible to request HHAP funding to preserve existing homeless housing units. An existing homeless housing unit is one that is under contract to house homeless persons, including units currently under contract with HHAC ("Operating HHAP Projects"). Additionally, if the applicant organization's corporate purpose is limited to providing services to homeless persons, any units managed by the applicant are considered existing units. Applications seeking funding to preserve an existing homeless housing project or an Operating HHAP Project may also include proposals seeking funding to expand the number of homeless housing units within the project. The availability of funds for the preservation of existing units is extremely limited. Proposals to address critical repairs in order to preserve or expand projects with existing units must, in addition to the other requirements of this RFP:

- (a) Demonstrate that capital development financial assistance is necessary to preserve the continued operation of the homeless program or project (as opposed to merely desirable or a good idea);
- (b) Document that any other available sources and reasonable alternatives for meeting such costs have been pursued and exhausted (including, but not limited to reserves, insurance or warranty coverage, other available public and foundation grants, and debt service);
- (c) Demonstrate that the need for such funds will not be ongoing and that the project after repair, rehabilitation, or expansion will be reasonably fit for its intended use and financially viable for the operational phase of the project as determined by HHAC as a condition of funding;

- (d) Demonstrate that without HHAP funding, the residents or the ongoing viability of the project are in jeopardy and that the community would lose an existing homeless housing resource. Requests for funding consisting primarily of upgrades or maintenance items, will not be considered; and,
- (e) (applicable to Operating HHAP Projects only) Document that the scope and costs are reasonable and limited to the items and conditions that, if not corrected, may impact the health and safety of residents or the ongoing viability of the project.

For proposals to preserve Operating HHAP Projects, HHAC may also consider capital funding requests for clearly demonstrated needs for repairs, expansion of units, or other modifications necessary to:

- (a) Enhance the quality of life or facilitate appropriate supportive services for tenants
- (b) Accommodate population changes in response to community needs, or
- (c) Address one or more significant operational issues that are related to sustaining the availability of the project as a community resource for homeless individuals or families.

Note that several aspects of the Application are either not applicable or are exclusively applicable to proposals to preserve Operational HHAP Units. These components of the Application are labeled accordingly. Additionally, the scoring structure is outlined in Section IV. B and C. herein is different for proposals for Operating HHAP Projects as noted in Section IV. D.

D. Eligible Costs and Funding Parameters for all HHAP Projects

1. Eligible Costs

Funds may be provided for development costs which include, but are not limited to:

- Acquisition
- Architectural/ engineering fees
- Demolition/ removal
- Testing of vacant land sites for environmental contaminants
- Testing/ abatement for lead*, asbestos or other toxins
- Certain other costs associated with project development such as construction period insurance, title reports and insurance, etc.
- Appraisals
- Site development
- Construction/ rehabilitation
- Equipment costs, (e.g., kitchen equipment, etc.)
- Professional fees (legal and accounting)
- Nonprofit developer's fees (including development consultants)
- Furniture for tenants and common areas
- Start-up costs (e.g., insurance, utility payments and other fixed costs until the project is fully rented)
- Replacement reserves
- Operating reserves, and
- Existing emergency shelter repairs for health and safety, (e.g., standalone requests for fire alarm systems or security systems)

*Note: Many dwelling units built before 1978 contain lead-based paint which can pose serious health hazards if not taken care of properly. If HHAP funds will be used for the

rehabilitation or demolition of housing built before 1978, those activities may be subject to the Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 4851-4856), and the relevant subparts of the implementing regulations at 40 CFR 745 and 24 CFR Part 35, such as subparts A, B, K, and R.

Applicants are strongly encouraged to seek other funds for furniture, start-up costs and reserves, as HHAP funds for these purposes are limited.

Although not required at the time of application, acquisition costs in excess of \$50,000 for land/buildings must be substantiated by an appraisal conducted by an independent, State-certified appraiser. Both the appraiser and the appraisal must be approved by HHAC. At HHAC's discretion, if the acquisition costs exceed \$250,000, two appraisals may be required.

HHAC will NOT provide reimbursement to project sponsors for property they own which is free of debt prior to receipt of an award reservation. HHAC may award funds to reduce or pay off any debt which is a lien on the project property to the extent that the debt service during the operational phase would otherwise prevent the project from being financially viable. HHAC reserves the right to deny reimbursement for acquisition for any arrangement which, in the opinion of HHAC, effectively circumvents these provisions. In general, HHAP funds will not be available for acquisition during the preconstruction phase.

Applicants that propose mixed-use housing will be eligible for HHAP funds covering only that portion of the project which will serve homeless individuals and families. Applicants must provide evidence that funds are committed for the non-homeless portion of the project. Unless otherwise approved by HHAC, HHAC will require co-equal first lien priority with any other funding sources. Please see Section II.K of this RFP.

HHAP funds will only cover the development of support services space deemed necessary and appropriate by HHAC for the population to be housed. HHAP funds **cannot** be used to finish any proposed commercial space. Please note: In instances where projects include commercial space, written approval from HHAC must be obtained prior to entering into an agreement or lease with a commercial tenant. HHAC reserves the right to disallow any commercial enterprise that HHAC deems in its sole discretion to have a negative effect on the project, tenants or the surrounding area.

2. Funding Parameters and Cost Considerations

Please see Section VI, Terms and Conditions of the RFP, for limitations on awards. Funding decisions will be strongly based on the reasonableness of the total cost of the proposed project, as well as the proposed cost per unit and construction cost per square foot, as compared to recently funded HHAP projects. All proposals will be evaluated on whether the proposed scope of work and cost estimate represents a realistic assessment of the work to be completed. If funded, the successful applicant will be required to operate the project as homeless housing for a minimum of twenty-five (25) years. Underestimating or failing to fully explore the project scope of work will not be favorably considered. Applicants are urged to take into consideration potential unforeseen or unreported conditions which may impact the project scope of work. Examples include but are not limited to: environmental hazards such as lead paint, asbestos and soil contaminants; building systems and infrastructure including HVAC, plumbing, roofing, windows and joists; and field conditions including rock removal, subsoil conditions, and shoring of adjacent structures.

Applicants and their architects should be well-informed about the current construction market in their area in order to develop a realistic, cost-efficient development budget. The proposed

budget should realistically estimate construction costs based on the anticipated development timetable contained in Exhibit E-6 of the application. It is suggested that sponsors and their architects fully research local market conditions when preparing a cost estimate.

Project sponsors and architects will be contractually held to the development of a project within the cost estimates deemed appropriate by HHAC. HHAC will rigorously scrutinize the proposed project cost and compare the cost with historical data, industry standards and current market conditions. HHAC is interested in developing projects that will withstand long-term utilization in the most cost-effective manner possible. Therefore, durable, high-quality materials, systems and design features that are cost-effective from a life-cycle and operating cost perspective are preferred.

IV. Criteria for Proposal Evaluation and Selection

All proposals received should be submitted in the form provided in the HHAP application and contain the required information as set forth in this RFP. Applications which fail to meet these requirements may be disqualified from consideration.

All proposals received will first be reviewed for completeness (Phase I Threshold Review). If a proposal is not complete and fails the Phase I Threshold Review (see below), it will not be further evaluated or considered for funding. Proposals that are deemed complete and pass Phase I review will move to Phase II, where they will be evaluated by at least two HHAP program staff and an assigned architectural/ engineering consultant. The Phase II Program Review will examine various aspects of the proposal, including program components, sponsor qualifications and site control. The Phase III Technical Review will evaluate project cost, the status of other funding, local approvals and timeframe for development, among other things, and may include a site visit. Site visits will be conducted based on staff schedules. The final review, Phase IV, is the Feasibility Review. Funding determinations will be made on the basis of the reviews at each phase, the specific funding priorities listed in the RFP and the Awards Process outlined in Section V.

A. Phase I Threshold Review

A threshold review will be conducted to determine whether the proposal is complete. The Exhibits and supporting documentation in Appendix A must be included in every proposal. The following will be reviewed during Phase I:

- Exhibit A-7 Site Control Documentation
- Exhibit A-8 Local Social Services District Approval/Community Relations
 - Evidence that the local planning board has been notified of the proposed project
 - Evidence that the local social services district has been notified of the proposed project
 - Evidence that the CoC has been notified of the proposed project
- Exhibit B-1 Development Budget (*If scattered site, must include budget for EACH site as well as a summary budget for all sites.*)
- Exhibit B-4 First Year Operating Budget
- Exhibit B-6 Projected Seven Year Budget
- Exhibit B-8 Seven Year Cash Flow
- Exhibit C-1 Documentation of Need
- Exhibit C-3 Program Description
- Exhibit C-4 Support Services Plan
- Exhibit C-5 Management and Operating Plan
- Exhibit D-1 Applicant Information and Financial Status:

- Agency Narrative
- Certificate of Incorporation or equivalent documents
- 501c3 status (if applicable)
- The two most recent sets of Audited Financial Statements – this includes the last two audits which each cover one year and include the prior year as a comparison.
- Exhibit E-3 Scope of Work
- Exhibit E-4 Energy Efficiency/Electrification
- Exhibit E-5 Zoning Analysis and Status of Local Approvals
- Exhibit E-6 Project Timeline
- An original, two hard copies and five complete electronic versions, for a total of eight copies of the application and all exhibits
- Prequalification in Grants Gateway, if applicable, or any other system provided by NYS.

Please ensure that the application is complete. Any proposal missing any of the above exhibits will be disqualified from further consideration, or otherwise deemed incomplete by HHAC.

If the proposal includes development of scattered site housing, **whether the sites are identified or not**, an individual development budget, as well as a summary budget, for each of the sites **must** be included. Any proposal that does not comply with these requirements, as well as those set forth elsewhere in this RFP, will be deemed unresponsive to the RFP and will be disqualified from further consideration.

The limitation to four (4) sites is intended to ensure that the development of the project occurs expeditiously. Submission of multiple applications for a total of more than four (4) scattered site projects will not be favorably considered. Scattered site models that are part of a larger Low-Income Housing Tax Credit (LIHTC) project may be considered for more than four sites.

B. Phase II Program Review

During the Phase II Program Review, the maximum points that may be awarded for each criterion are detailed below (please refer to Appendix A for guidance on completing the application):

- Documentation of Need (17 points). Applications will be evaluated based on a description of the general homeless population within a given community, and a discussion of the target population and the extent to which the proposed project meets an identified local need. Points will be allocated as follows: community description (9 points); target population (3 points); and gap analysis (5 points).
- Project and Program Administration (17 points). The program description, support services plan and management and operating plan will be evaluated. Points will be allocated as follows: program description (5 points); support services plan (6 points); and management and operating plan (6 points).
- Operating Budget (13 points). The operating budget will be examined to determine whether the revenue and expense projections are reasonable, whether the larger categories of operating expenses (including, but not limited to taxes, utilities and insurance) are documented, and whether the seven-year budget is viable. Points will be allocated as follows: reasonableness of revenue assumptions (3 points); reasonableness of expense projections (3 points); documentation and justification of larger categories of expenses (3 points); and reasonableness of the seven-year operating budget (4 points).

- Sponsor Qualifications (6 points). An Applicant's, Co-Applicant's or Supporting Organization's experience in the areas of development, management and services will be evaluated. Points will be allocated as follows: experience in capital development, including success in achieving State MWBE/SDVOB goals (2 points); experience in property management (2 points); and experience in the provision of support services (2 points).
- Site Control (6 points). Points will be awarded based upon the degree of site control documented in the proposal (6 points) and duration of site control. Conditional site control must be demonstrated for a minimum of six (6) months from the submission date of the proposal to avoid a two-point deduction. If there is no site control documented in the proposal, there will be a five-point deduction.

C. Phase III Technical Review

During the Phase III Technical Review, the maximum points that may be awarded for each criterion are detailed below (please refer to Appendix A for guidance on completing the application):

- Project Cost (16 points). The reliability of the estimated cost of the proposed project and its cost-effectiveness will be evaluated against industry standards and past HHAC experience developing similar projects within the proximate geographic area. HHAC will evaluate the construction cost per square foot (2 points), construction cost per unit (2 points), how closely the construction cost estimate matches that of the reviewing architect (6 points), the cost effectiveness of the project based on the cost per unit (or per bed, if applicable) in relation to the HHAP request alone (2 points) as well as the total development cost (2 points) and the reasonableness and explanation of development budget items such as legal fees, consultant services, furniture, equipment and start-up costs (2 points).
- Scope of Work (8 points). Proposals will be evaluated with regard to the proposed scope of work. Specifically, points will be awarded based on whether the scope of work is comprehensive, adequate and complete (4 points); demonstrates that life-cycle costs were considered and explained in terms of durability of materials, cost and ease of maintenance and operations (2 points); and the design is appropriate for the population to be housed (2 points).
- Local Social Services District Support (3 points). Applicants are required to notify the local district in which the project will be located of the applicant's intent to develop the project. It is our expectation that applicants will work closely with their local districts to secure full support for the project. Applicants providing evidence of full support will receive 3 points, while those with no evidence of support from the local social service district will receive 0 points.
- Leveraging (4 points). Points will be awarded based on the documentation of financial commitments from other funding sources needed to complete the project, which will be calculated as a percentage of the total development cost of the project (3 points) and the ratio of the number of HHAP units to the HHAP funding request (1 point). HHAC recognizes that it is often difficult to secure a firm commitment of other funding due to the varied timelines established by different funding agencies. If an applicant submits a proposal that is otherwise competitive, HHAC may conditionally award funding. The

award would be contingent upon the applicant securing other necessary funding within a reasonable timeframe specified by HHAC and on terms acceptable to HHAC.

- Status of Local Planning and Zoning Board Approvals (2 points). HHAC will evaluate whether the project can be built “as of right” or, if necessary, zoning and planning board approvals have been granted or are pending. Projects that can be built “as of right” or have already received zoning approval will receive 2 points.
- Timeframe for Development (4 points). HHAC will evaluate whether the proposed project timeline is comprehensive (1 point) and reasonably projects a construction start date within twelve (12) months of notification of award (2 points). One additional point will go to a proposal that demonstrates a construction start date within six (6) months of notification of award.
- Energy Efficiency/Electrification (4 points). Proposals will be scored to the extent the applicant demonstrates that the project will incorporate measures to achieve high energy efficiency in an effort to meet New York State’s Climate Leadership and Community Protection Act (“Climate Act”), which mandates at least an 85% reduction in greenhouse gas emissions by 2050, compared to New York State’s 1990 carbon emission levels. For projects with buildings, this will mean dramatically improving efficiency by increasing the performance of building envelopes and hot water consuming appliances/fixtures and replacing fossil fuel combusting equipment with efficient electric solutions.

Electrification of heating and hot water systems is a key strategy for building decarbonization, which depends on energy efficiency improvements and 100% zero emissions electricity.

Proposals may meet this requirement by one of the following methods, as applicable to the project:

- a) Demonstrate that the project is eligible for and will participate in a New York State Energy Research and Development Authority (NYSERDA) program and has submitted a signed contract with a NYSERDA-approved Partner
- b) Demonstration and commitment that the project will be designed in conformance with EPA ENERGY STAR New Homes, version 3.1, in either the prescriptive path or the performance path. The application should include a signed contract with a Residential Energy Services Network (RESNET)-certified HERS Rater which explains the methodology that will be used to ensure that the standard is met. If awarded, the project must provide or address all design and construction requirements and include a report at the project closeout certifying that all strategies and goals were met; or
- c) For rehabilitation projects, applicants may bring any existing non-compliant building(s) up to current energy code standards (2020 Energy Conservation Construction Code of New York State) and demonstrate that the renovated building(s) will reduce overall energy usage by 20%, as compared to average energy usage for the last two years of operation. The projected reduction in energy usage must be demonstrated by submitting an energy analysis by an architect or engineer licensed in the State of New York, or RESNET certified HERS Rater.
- d) If none of the above alternatives are applicable to the project, the applicant may choose to submit a narrative and any applicable supporting documentation showing that the proposed project will incorporate measures to achieve high energy efficiency. Note that if this alternative is chosen, HHAC will determine, in its sole discretion, whether the information presented is sufficient to meet the goals of the

RFP with respect to energy efficiency. These goals are defined as being equivalent or closely comparable to the results that would be achieved through one of the methods described above.

For all options, the applicant must show how the proposed project will comply with the Climate Act.

D. Additional Requirements for Preservation of Existing Homeless Projects or Expansion of Operating HHAP Projects

The considerations in evaluating proposals to preserve existing homeless units, or Operating HHAP Projects differ from those for new units not under contract with HHAC. Operating HHAP Projects are not required to submit the community description portion of the Documentation of Need. However, applicants must demonstrate that the requirements of Section III C. 10 of this RFP are met. Therefore, the additional requirements below are integrated within the point structure of the relevant scoring criterion, as indicated:

- A narrative and supporting documentation demonstrating that the financial assistance requested is necessary to support the continued operation of the homeless units (Documentation of Need)
- A narrative and supporting documentation demonstrating that all other available sources and reasonable alternatives for meeting such costs have been pursued and exhausted (Documentation of Need)
- Documentation that the conditions, if not corrected, are severe enough to impact the health and safety of tenants and/or the ongoing viability of the project. Operating HHAP projects must also demonstrate that repairs, expansion of units, or other modifications are necessary to: a) enhance the quality of life or facilitate appropriate supportive services for tenants; b) accommodate population changes in response to community needs; or c) address one or more significant operational issues that are related to sustaining the availability of the project as a community resource for homeless individuals and/or families (Documentation of Need)
- Documentation that the corrective scope of work is reasonable and limited to those items which, if not corrected, may threaten the health and safety of tenants or the ongoing viability of the project, or are necessary to achieve the objectives listed above (Scope of Work); and
- Demonstrate that the need for such funds will not be ongoing and that the project, after repair, rehabilitation, or expansion will be reasonably fit for its intended use and financially viable for the operational phase of the project (Operating Budget). Please note that **HHAC reserves the right to extend the operational phase of the project as a condition of receiving additional HHAP funding.**

E. Priority Project Points

Points will be awarded to projects that propose new units that meet the priorities outlined in Section II C herein. Specifically:

Applications that propose supportive housing projects targeted to long-staying families in emergency housing, as detailed in Section II C, will be awarded up to five (5) points.

Applicants will be awarded three (3) points for applications that propose supportive housing developed utilizing services and operating funding obtained through ESSHI.

Applications that propose supportive housing projects targeted to veterans or that give priority to veterans, as detailed in Section II C, will be awarded three (3) points.

Applicants dependent on more development funding than just HHAC will be awarded an additional three (3) points if 75% of the other development funding is already committed.

Priority points will only be awarded based on one of the categories above, even if the proposed project includes more than one of the identified priorities.

F. Phase IV Feasibility Review

Part One: HHAC reserves the right to consider other relevant information during the review process that may impact the feasibility of a project. If any of the circumstances listed below apply to the project, applicants are strongly encouraged to include a detailed explanation in Exhibit D-1 of the application, together with all supporting documentation. Up to 15 points may be deducted from an applicant's total score if HHAC determines that any of the following are evident:

- The co-applicant's audit states that independent accountants have substantial doubts about the ability of an organization, company or government entity to continue to meet its obligations over the next 12 months.
- A co-applicant's audit reveals mismanagement of funds or money owed to a government agency, or other serious audit findings that in the judgment of HHAC bring into question the applicant's financial stability or capacity to properly administer public program funds.
- An applicant's audit fails an independent Certified Public Accountant (CPA) review, but the review does not deem the matter to be a "going concern".
- One or more members of an applicant's development team were involved with an HHAP project in development now or within the last five (5) years, that in the judgment of HHAC: 1) is not progressing in a timely and cost effective manner due to a failure to act with diligence to complete the necessary activities that are reasonably within the development team members' control for the final completion of the Project Establishment Phase; 2) has provided misleading information, or omitted information to HHAC with regard to an application, project in development or operation; or 3) is otherwise not in compliance with HHAP policies and procedures or an existing HHAC contract. This specifically includes, but is not limited to, M/WBE participation requirements or any aspect of the reporting requirements described in the RFP or the HHAC contract.
- The design or scope of work do not sufficiently address foreseeable work items (e.g., failure to account for notable historic features; failure to address system capacity for rehabilitation such as domestic hot water or heating system; failure to account for environmental or subsurface rock conditions, etc.).
- The design or scope of work do not address work items critical to the suitability or viability of the project for the operational phase (e.g., requesting only acquisition funding

when rehabilitation is clearly warranted; failure to replace major building components that are near the end of their useful life).

- The design or scope of work does not sufficiently address the overall needs of the proposed population to be served (e.g., layout of the units, handicap accessibility, the location of security/ reception desk, location or existence of supportive services space, recreational space, types of bathrooms and/or eating facilities, the location of laundry and storage facilities, etc.)
- The co-applicant has unsatisfactory contractual performance under other State contracts or has been found to be not responsible by the Office of the State Comptroller or OTDA/HHAC and has not taken satisfactory steps to remedy such non-compliance.
- The project involves the displacement of existing tenants without an appropriate relocation plan.
- The applicant or co-applicant has not demonstrated, in the judgment of HHAC, a sufficient support services plan.
- The applicant or co-applicant has not demonstrated, in the judgment of HHAC, a realistic development timeline.
- The applicant or co-applicant has not demonstrated, in the judgment of HHAC, sufficient organizational capacity to effectively carry out the development or operation of the proposed project.
- The project is not compliant with the Olmstead requirements as more fully discussed in Section II (L) of this RFP.

Part Two: HHAC aims to fund projects that will be developed, financed, completed and operated in accordance with the terms of this RFP, HHAP's statute, regulations and contractual requirements. Therefore, HHAC reserves the right not to fund any project if HHAC determines in its sole discretion that circumstances exist that may threaten the successful completion or operation of the proposed project. If any of the circumstances listed below apply to the project, **HHAC may disqualify the proposal from consideration.** Therefore, applicants are strongly encouraged to include a detailed explanation in Exhibit D-1, together with all supporting documentation, if any of the following circumstances exist:

- HHAC determines that the applicant or population is not eligible for HHAP funding.
- The applicant has an HHAP project in development currently or within the last five (5) years that in the judgment of HHAC; 1) is not progressing in a timely and cost-effective manner due to a failure to act with diligence to complete necessary activities that are reasonably within the members' control for final completion of the Project Establishment Phase; or 2) is otherwise not in compliance with HHAP policies and procedures or the HHAC contract.
- The applicant's audit includes a "going concern" opinion. A going-concern qualification is an explanatory paragraph in an audit that states that the independent auditor has substantial doubts about the ability of an organization, company or government entity to continue to meet its obligations over the next 12 months.
- An applicant's audit reveals mismanagement or questionable management of funds or money owed to a government agency, or other serious negative audit findings that

in the judgment of HHAC brings into question the applicant's financial stability or capacity to properly administer public grant funds.

- As proposed in the application, the Construction Cost Estimate is greater than 50% above or below the reviewing architect's estimate.
- As proposed in the application, the design is inappropriate for supportive housing and/or the targeted sub-population.
- There is evidence that HHAP funding, in part or whole, is not needed for the successful development of the project.
- The HHAP-funded units will not be used solely for a homeless population for the duration of the contract term.
- The applicant has unsatisfactory contractual performance under other State contracts, or has been found to be not responsible by another State Agency, including the Office of General Services "debarred" list, the Office of the State Comptroller, OTDA/HHAC, or declared ineligible to receive Federal contracts, and has not taken satisfactory steps to remedy such non-compliance.
- The applicant, co-applicant or member of the development team purposely withheld or misrepresented pertinent critical information relating to the subject application or during development of prior HHAP projects (such as the availability of other funds for the project, liens against the building, unauthorized payments to a contractor, a change in population during rent up, etc.).
- A project has changed so significantly or was so significantly misrepresented as to render the current scoring obsolete and preclude accurate scoring without additional information.
- The agency that oversees the population or would license or certify the project does not recommend funding.
- An award for this project would exceed the limitation for funding as outlined in Section VI.Q of this RFP.
- The applicant failed to notify the local planning board of the proposed project within 30 days of making an application for HHAP funding.
- The applicant has not demonstrated to the satisfaction of HHAC that a sufficient need exists for the units to be provided by the proposed project.
- The project developer, owner or manager and their principals include someone who has participated in a publicly-assisted capital project that has been determined to be out of compliance with statutes, rules, regulations, policies or agreements and has not been corrected or otherwise resolved as determined by the public agency responsible for supervising the project.
- There exists any conflict of interest between or among any individual, organization or firm involved in the ownership, development, management or operation of the facility that in the judgment of HHAC may negatively impact any aspect of the development process or operation of the project, or is in conflict with the statutes or regulations

governing HHAP or HHAC, and cannot otherwise be corrected, mitigated or resolved to the satisfaction of HHAC. This specifically includes, but is not limited to directorship, ownership or similar controlling interests in the applicant, co-applicant, supporting organization, any subsidiary or affiliate organization, construction contractor, developer, consultant, or other sub-contracting entity, including officers or employees, which result in such a conflict. HHAC reserves the right to request additional information to determine whether such a conflict exists.

HHAC further reserves the right to reject any application or to rescind any award made under this RFP on the basis of incomplete, unsatisfactory, or inconclusive information related to determining whether such a conflict exists.

V. Award Process

Funds will be awarded through the following process:

- A. Proposals are solicited through this RFP and submitted to HHAC. All proposals must be submitted to the address listed in Section II.
- B. Proposals will be evaluated based on the criteria outlined in this RFP, as well as the statutes and regulations governing HHAP.
- C. All proposals that pass the Phase I Threshold Review will be sent to the local social services district for review.
- D. Applications for projects which require licensing or regulation by a State agency will be sent to that agency for review and recommendation.
- E. Site visits may be made to projects at the discretion of HHAC program management.
- F. HHAC reserves the right to request supplemental information from applicants as necessary to perform a complete review and evaluation of a proposal.
- G. The HHAC Board will make final selections at its sole discretion and will advise all applicants of its decisions.
- H. The HHAC Board typically meets every other month, on the first Wednesday of even months. Detailed information regarding the HHAC Board meeting schedule may be found by clicking here: <https://otda.ny.gov/news/meetings/>
- I. Regardless of score, HHAC reserves the right in its sole discretion to fund or not to fund an application. Overall funding decisions for HHAP will be made in accordance with the State's overall Housing Plan. HHAC may determine to not fund an application for the sole reason of achieving geographic diversity to the extent consistent with the State's overall Housing Plan.
- J. Applications will be reviewed, and awards considered in the order in which applications are received and in accordance with the criteria outlined in this RFP. Applications will be evaluated and considered in business day grouping, including those received by hand and those received by mail or delivery service. When available HHAP funds have been depleted or HHAC decides to suspend accepting new applications, a notice will be posted on OTDA's website: <http://otda.ny.gov/contracts/procurement-bid.asp> All proposals under review at that time will continue through the evaluation process. At the conclusion of the review process, applicants that do not meet the threshold for

funding will be notified. Applicants that do meet the threshold for funding will be notified that proposals will be held on a waitlist until the end of the state fiscal year. If funding becomes available through a new appropriation, the recapture of funds, or otherwise, projects on the waitlist will be considered for funding in the order of the date of receipt. Proposals received after a suspension notification is posted on OTDA's website will not be accepted and will be returned. A notice will be posted on OTDA's website if and when HHAC resumes accepting applications for funding.

- K. Award reservations may be withdrawn for the following reasons: loss of site control, inability to finalize financial commitments or other outstanding issues, inability to proceed with the amount of HHAP money awarded, inability to complete obligations under the contract, or substantial change to one or more components of the project.
- L. Before entering into a contract, all outstanding financing commitments and other documentation required by HHAC must be provided to HHAC. These include, but are not limited to, all due diligence documents required by HHAC, written confirmation of final commitment for any additional funds required for project implementation and, if necessary, documentation from the licensing agency that the project will be licensed when the construction work is complete. In addition, appropriate enabling resolutions by the applicant's (and co-applicant's, if applicable), board of directors authorizing the applicant and co-applicant, to proceed with the project must be submitted.
- M. An appraisal may be required prior to the release of acquisition funds, in accordance with Section III. D. 1 of this RFP.
- N. In most cases, a full scope of architectural services will be required (per American Institute of Architects Standard Agreement (AIA) as modified and approved by the HHAC). In addition, a written contract in a form acceptable to HHAC may be required for any other professional services related to project development.
- O. All architectural documents must be approved by HHAC and its designated architectural/engineering consultant prior to proceeding to successive phases. HHAC will not reimburse the cost involved in preparation of schematic drawings and cost estimates unless and until a grant is awarded, a contract between the grantee and HHAC is fully executed, and HHAC has reviewed and approved the agreement with the project architect/engineer. The HHAC Riders to the Architectural Contract must be made a part of any such contract if HHAC funding is granted for a project.
- P. State Historic Preservation Office Clearance - Project sponsors and their architects should determine, when preparing schematic drawings and feasibility studies, whether the proposed project site is located in a historic district or may have historic significance. Funded projects that meet these criteria may be required to obtain both local historic preservation board approvals and clearance from the State Historic Preservation Office (SHPO). These approvals may have an impact on project design and construction costs.
- Q. Construction bids should be received from at least three (3) qualified, responsible and reliable general contractors. The lowest responsible bidder must be selected for the contract award. If the project will use the services of a pre-selected general contractor or construction manager, at the discretion of HHAC, 50% of the total construction value will need to be competitively bid to subcontractors.

When a General Contractor is selected prior to HHAC's involvement, in lieu of bidding 50% of the total construction value HHAC may, at its sole discretion, accept a bid plan

and matrix for review and approval. Additionally, depending on the identity of interest among the proposed sponsor(s), development team and pre-selected general contractor or construction manager, HHAC, at its sole discretion, may require that all trades or subcontracts be competitively bid or rebid.

HHAC will not approve Construction Manager as Advisor agreements, except for municipal applicants. Construction Manager as Contractor agreements should be standard form AIA contracts (A133-2019 and A201-2017) and must be reviewed and approved by HHAC prior to execution. Any proposed departure from these documents and/or procedures must be explained in detail and may be accepted or rejected at HHAC's discretion. The HHAC Riders to the AIA documents must be made a part of any such contract if HHAC funding is granted.

General Contractors must also use standard form AIA contracts (A101-2017 and A201-2017) and must be reviewed and approved by HHAC prior to execution. The HHAC Riders to the Construction Contract must be made a part of any such contract if HHAC funding is granted for a project.

- R. When construction or rehabilitation is involved in a project, field inspection will be done by HHAC or its representatives to monitor the progress of the work. The inspections will involve review of the work to determine if it is of acceptable quality and in conformance with the construction documents. HHAC will not pay for inferior or defective work as determined at HHAC's sole discretion. The inspections will also be the basis for determining whether claims for HHAP funds made by the project sponsor are reasonable, based on the percentage of work which has been completed.

VI. Terms and Conditions of the RFP

- A. HHAC reserves all rights under the Private Housing Finance Law, Social Services Law and the regulations duly promulgated thereunder: (1) to select such proposals that will best carry out the purpose and intent of the applicable statutes and regulations; (2) to carry out statutory and regulatory preferences; (3) to reject any proposals that fail to contain information sufficient to show compliance with all necessary criteria for award of contracts under the applicable statutes and regulations and this RFP; and (4) to terminate contracts upon any breach of law, regulations or contractual obligations.
- B. At the sole discretion of HHAC, activities commenced prior to receipt of a fully-executed HHAC contract remain the sole liability of the awardee.
- C. HHAC reserves the right to negotiate any aspect of the proposal and if negotiations fail to result in a satisfactory agreement, to terminate negotiations or take such other and further action as HHAC may deem appropriate. This reservation of right includes, but is not limited to, negotiations regarding the applicant's selection of an architect, consultant, contractor, construction manager or attorney.
- D. HHAP funds cannot be used for ongoing and/or future project operating expenses.
- E. Any contracts awarded pursuant to this RFP will be subject to HHAC's customary processing procedures for contracts of this type. (Please see Appendix B.)
- F. HHAC reserves the right to withdraw its funding commitment should an awardee fail to meet established timeframes agreed upon between HHAC and the applicant at a post-award meeting.

- G. This RFP does not commit HHAC to award any contracts, to pay any costs incurred in the preparation of responses to this RFP, or to procure or contract for any services.
- H. HHAC reserves the right to amend, modify or withdraw this RFP and to reject any and all proposals submitted, and may exercise such right at any time without notice and without liability to any applicant or any other parties for expenses incurred in the preparation of an application or otherwise. Proposals are prepared at the sole cost and expense of the applicant.
- I. HHAC reserves the right to award contract(s) to as many or as few applicants as it may select, to accept or reject any or all proposals, to award contract(s) to entities other than applicants and to cancel, in part or in whole, this RFP, if HHAC deems it to be in its best interest or in the best interest of the State to do so.
- J. All plans and working documents prepared by the applicant or its agents or employees pursuant to or in the preparation of the proposed contract to be awarded by HHAC will become the property of HHAC at its discretion.
- K. Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by HHAC to third parties with regard to an applicant's character, competence, experience or other matters relevant to the proposal.
- L. The award of the contract will be based on the proposal of the successful applicant and upon any conditions imposed by HHAC.
- M. As a condition of receiving HHAP funds, the applicant shall:
- Acknowledge and confirm that it is not in arrears to the State for any debt or contract, and is not in default as a surety contractor or as to any other obligation to the State.
 - Warrant that all materials furnished and work performed under the HHAP contract shall be of good quality, free from faults and defects, and conforms with the terms of the contract, and shall be guaranteed for a period of one year from the date of HHAC's acceptance of the work constituting the project establishment phase of the homeless project (the "Warranty Period"). The project establishment phase begins on the date HHAC approves the project for rent up. Should any problems develop during this one-year period due to defective material or faulty workmanship, the applicant agrees to furnish all necessary material and labor to correct the problem without any cost to HHAC.
 - Enter into a guaranty agreement with HHAC, if required by HHAC.
- N. HHAC reserves the right to a royalty-free, non-exclusive and irrevocable license to reproduce, publish, distribute or otherwise use any and all copyrighted or copyrightable material resulting from the HHAP contract. Publication of the results of any activity supported under the HHAP contract by anyone other than HHAC must have the prior written approval of HHAC.
- O. The proposal shall be signed by an official duly authorized to bind the applicant(s). The proposal shall also provide the name, title, address, email, telephone number and area code of individuals with authority to negotiate and contractually bind the corporation or municipality and who may be contacted during the period of proposal evaluation.

- P. This request for proposals, and any contracts resulting therefrom, are subject to all laws, rules and regulations promulgated by any federal, State or municipal authority having jurisdiction over same and may be amended from time to time. All applications pursuant to this RFP are prepared at the sole risk, cost and expense of the applicant.
- Q. By statute, a single municipality cannot be awarded a contract or contracts which would result in the municipality directly receiving more than 50% of the total amount of funds appropriated for HHAP in a State fiscal year.
- R. In order to promote geographic distribution and optimal use of available HHAP funds to address locally-identified housing needs, no single award shall be made in excess of \$15 million in any given State fiscal year, and no single sponsoring organization shall receive a combined total of more than 25% of the funds available in any given State fiscal year for multiple projects, unless HHAC determines that it is in the best interest of the State to do so.
- S. No single geographic region shall receive more than 60% of the funds available in any given State fiscal year unless HHAC determines that it is in the best interest of the State to do so. For the purposes of this provision, geographic regions are delineated by HHAC as follows:
- New York City – Bronx, Kings, New York, Queens and Richmond Counties
 - New York City Suburbs – Westchester, Nassau and Suffolk Counties
 - Rest of State – All other counties not listed above
- T. In order to promote the State's overall commitment to permanent supportive housing, a minimum of 65% of the funds available to HHAC in any given State fiscal year will be awarded to permanent supportive housing.
- U. HHAC reserves the right to make awards at a greater or lesser amount than requested if HHAC determines it will best carry out the purpose and intent of the HHAP statute and the availability of funds.

VII. Existing Emergency Shelter Repairs

A. Existing Emergency Shelter Repair Contract Components

Funds awarded pursuant to this RFP will be made available pursuant to a standard contract with HHAC for such projects. The contract includes termination, hold harmless, record retention and non-discrimination provisions. The contract also contains provisions that bind the project for use as a supportive homeless housing project for up to two years or as set by the contract; allow for the replacement of project management by HHAC if the project fails to operate in accordance with the contract; and provide that HHAC may require any funds previously advanced to the project sponsor to be refunded to HHAC in the case of termination or other substantive contract violation. To the extent permitted by law, the contract may be terminated immediately upon the filing of a petition of insolvency, by or against the sponsor. Such termination shall be immediate and complete, without termination costs or further obligations by HHAC to the sponsor. For informational purposes, a sample HHAC contract is posted on OTDA's website along with this RFP. Please be advised that the posted contract is a sample agreement; the actual terms and conditions of contracts executed as a result of this RFP may vary.

Shelter facilities under contract with HHAC at time of application are ineligible for additional existing emergency shelter repair funds. However, upon completion of a two-year HHAC shelter repair contract, the project may apply for new shelter repair funds for new or previously unknown repair needs. Each project facility is limited to two emergency shelter repair contracts in a five-year period.

Contracts will not be processed until all information requested in the RFP and any information requested in letters notifying the applicant of the award have been received and approved by HHAC. All issues or questions must be resolved to the satisfaction of HHAC before a contract can be signed. HHAC will require, at its discretion, a board resolution or equivalent document from the applicant sponsor authorizing, among other things, named individual(s) to enter into contract(s) with HHAC, and authorizing the establishment of a bank account solely for the use of HHAP funds. HHAC is not liable for any expenses incurred before a contract is fully executed. The fully-executed contract may, however, provide for a contract period which begins prior to the date on which the contract is fully executed. In general, the start of the contract period will coincide with the date of the conditional award reservation by the HHAC Board.

After all outstanding documents are received and approved by HHAC, the sponsor may execute the contract. Funds will not be advanced until, at the discretion of HHAC, either a segregated bank account has been established and documentation has been received by HHAC or an acceptable alternative payment method is requested and is acceptable to HHAC in its sole discretion.

B. Application Requirements

The following is an abbreviated list of the key elements required for completing the application:

Checklist of Required Information and Documentation (in Appendix A of the application):

The checklist provided in the Existing Emergency Shelter Repairs application package contains a listing of all the materials required for the HHAP application. It serves two purposes: first, as a means for the applicant to determine if all the requirements of the application have been completed; and second, as an index to the completed application form. For each item, note the page on which it appears in the completed application or, if not applicable, place a check in the appropriate space. (Note: Please remember to separate exhibit sections by tabs and number the pages sequentially after the application is assembled.)

Exhibit A-1: Project Summary Information

This exhibit should include basic information about the Existing Emergency Shelter proposed for repairs. The county indicated on the form should reflect the county in which the shelter is located.

Provide information on current ownership of the site and the relationship, if applicable, between the current owner and applicant.

Attach evidence of site control. Acceptable forms of site control include: an executed deed showing ownership by the applicant or a current lease.

Please provide verification that the Local District in which the shelter is located has been notified and has approved the applicant's intent to make repairs to the existing emergency shelter.

Note: The Local Social Services District in which the project is located **must** be notified of the applicant's intent to make repairs to the existing emergency shelter.

Exhibit B-1: Project Plan

In this Exhibit, please provide a summary description of the project and proposed repairs, together with all information that is necessary to convey a basic understanding of the essential elements of the proposal. The narrative should be presented in such a way so that someone who has not read the application will have a clear understanding of the scope of the project and the proposed repairs.

Provide a detailed narrative identifying the level of construction work required, if any. The scope of work and cost estimate must be reasonable and limited to those enhancements necessary to mitigate the emergency. Items that could be considered as upgrades or deferred maintenance should be avoided.

Exhibit C-1: Budget Summary

The HHAP budget line for these repairs should not exceed \$150,000 per facility.

Repairs costs of up to \$150,000 per facility maybe requested and no project may be awarded more than \$150,000 under this category.

Please include an itemized budget for the funding request and the basis for determining all requested costs. Specifically include how the amounts requested were determined. For items in excess of \$10,000, three (3) comparative quotes are required.

Note: If applicant operates more than one facility as separate projects and each have needed repairs, the applicant must submit one application for each facility.

Provide any information relating to non-HHAP funds required for project development. Detail the terms and conditions of other funding sources, if any, and document the commitment of other funds. If a final commitment of funding is unavailable, please submit the most recent documentation available to show that the funding is forthcoming.

Exhibit D-1: Certifications

Certify the following items identified within:

- Faith-based certification
- Vendor Responsibility Questionnaire (AC 3291s)
- MacBride Fair Employment Principles certification
- Non-Collusive Bidding Certification required by Section 139-D of the State Finance Law
- Statement of Agreement
- Vendor Assurance of No Conflict of Interest or Detrimental Effect

SHPO/SEQRA

The New York State Office of Parks, Recreation and Historic Preservation is responsible for reviewing certain publicly-funded projects to determine if they involve structures of historic significance that may require some degree of interior or exterior preservation. If the proposed site is either in a historic building or a historic district, design and cost estimates should reflect the potential concerns of the State Historic Preservation Office (SHPO) and/ or the local historic preservation association. All forms are now submitted electronically online, and submission instructions are provided in the application. Proof of online submission must be included in the application.

Submission of the short Environmental Assessment Form (EAF) is required for compliance with State Environmental Quality Review Act (SEQRA) procedures.

To submit online to New York State Office of Parks, Recreation and Historic Preservation use the link by clicking here: <https://parks.ny.gov/shpo/online-tools/>

Flood Plain Letter (for each site)

Please provide a flood plain letter from the appropriate jurisdictional authority indicating whether the project site(s) is in a Special Flood Hazard Area (SFHA). Please note that for proposed sites located in an area where flood insurance is required, the projected operating budget must include flood insurance among the expenses. HHAC strongly discourages applicants from selecting sites located in a SFHA as indicated on the official Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA). Applicants are encouraged to select sites located in moderate or minimal flood hazard areas, labeled Zone B or Zone X (shaded), and Zone C or Zone X (unshaded), respectively.

Site Photographs (for each site)

Please provide color photographs of the facility areas where repairs are needed and one of the outside of the facility.

Floor Plans (for each site)

- Location plan, showing the location of the site in the context of neighboring buildings (minimum scale 1" = 100');
- Site plan (minimum scale 1" = 40');
- "As-is" (existing) floor plans;
- Sketch plans (minimum scale 1/8" = 1.0') sufficient to explain the scope of the project, including all levels, elevations, sections, and site plan. One full set of architectural plans and copies of plans reduced to letter size paper (8 1/2" x 11") must be included with each copy of the application; and
- Include typical unit plan at 1/4" = 1' scale.

Note: The plans for electronic submission should be in **.pdf file format** and printable to maximum of ledger size paper.

Applicants and their architects should take into consideration the requirement of Local Laws 58 (Accessibility to the Physical Disabled) and 76 (Asbestos Inspection and Removal), and all applicants should take into consideration the requirements of the Americans with Disabilities Act

and any other applicable State, federal or local statute, rule, regulation or ordinance, including the *Olmstead* decision discussed in Section II. L.

As certified Emergency Shelters, regulated by a State or local agency, applicants should make sure that the proposed design meets any regulatory requirements of that agency.

Please also review the following proceeding appendices:

- ***Appendix F – The Omnibus Procurement Act of 1992, page 62***
- ***Appendix K – HHAP Standards for Architectural Services, page 74***
- ***Appendix L – Vendor Assurance of No Conflict of Interest or Detrimental Effect, page 76***
- ***Appendix M – Executive Order 190, page 78***
- ***Appendix N – Executive Order 22, page 80***

No further information on this page

Appendix A - Application Requirements

The following is an abbreviated list of the key elements required for completing the application:

Checklist of Required Information and Documentation:

The checklist provided in the application package contains a listing of all the materials required for the HHAP application. It serves two purposes: first, as a means for an applicant to determine if all of the requirements of the application have been completed; and second, as an index to the completed application form. For each item, note the page on which it appears in the completed application or, if not applicable, place a check in the appropriate space. (Note: Please remember to separate exhibit sections by tabs and number the pages sequentially after the application is assembled.)

Exhibit A-1: Project Summary Information

This exhibit should include basic information about the proposed project. If more than one project site is proposed, this page should present cumulative information for all sites. The county entry should reflect the county in which the proposed project will be located, not the county in which the sponsors main office is located, if the two locations differ.

Exhibit A-2: Applicant Information

Provide the information requested for the applicant. Legislative districts should reflect the districts in which the applicant's main office is located.

Exhibit A-3: Co-Applicant/Supporting Organization Information

Provide the information requested for any supporting organization or co-applicant whose qualifications and experience should be considered in reviewing the proposal. Legislative districts should reflect the districts in which the co-applicant's or supporting organization's main office is located.

Exhibit A-4: Building Information

This exhibit shall include information specific to each proposed site (building). If proposing a scattered-site project, this form should be duplicated and completed for each site (building). Legislative districts should reflect the district(s) of the proposed project site(s).

Exhibit A-5: Project Summary Narrative

In this Exhibit, please provide a summary description of the proposed project, together with all information that is necessary to convey a basic understanding of the essential elements of the proposal. Please be concise. Ideally, the Project Summary should be no more than one page. There will be an opportunity later in the application to provide greater detail about the project.

Exhibit A-6: Development and Management Team

List contact information for all members of the proposed development team including, but not limited to: the architect; consultant; attorney; property manager; and any developer entity. Identify all board members, owners, and officers of corporate or other entities. Briefly describe the respective roles and responsibilities, qualifications and relevant experience of each member of the development and management team. Identify whether HHAC's funding of this project

creates any direct or indirect financial or other interest of or among any members of the development team (including the applicant or co-applicant, any subsidiary or affiliate thereof). Please refer to the Conflict of Interest information in Appendix G and identify whether a potential conflict of interest exists and if applicable, how it will be mitigated. Finally, if proposing to use the services of a consultant, briefly describe the qualifications of the proposed consultant and include a draft scope of work. Please be advised that HHAC reserves the right to accept or reject the participation of any member of the proposed development and management team.

In addition, for projects involving funding from LIHTC or bond proceeds, applicants must include a proposed organization chart depicting the organizational and ownership structure, degree and nature of ownership interests, and roles of the entities to be involved in the project.

Note regarding the use of architects: The services of a design professional are vital to the successful development of any project. Applicants must identify an architect or equivalent design professional and develop the application in consultation with the identified design professional.

Note regarding the use of consultants: In certain instances, the use of project consultants is appropriate in the planning, development and start-up of HHAP projects. However, regardless of the role of the consultant, HHAC requires the project sponsor to remain integrally involved in the design and development process. HHAC has found that the proactive participation of a project sponsor, even one without development experience, helps to move the project forward in a more timely manner and increases the level of responsiveness of the various professionals involved in the project. HHAC reserves the right to review and approve any proposed consultant, consultant contract and all fees. The total combined amount requested for a consultant's services and a developer's fee cannot exceed the guidelines set forth in Appendix H.

Exhibit A-7: Site Control

Provide information on current ownership of the site and the relationship, if any, between the current owner and applicant (including holders of any ownership interest, board members or principals, officers, staff, and their family members). Sites where there is a pre-existing relationship between the owner of the property and the applicant organization or other relationship between the owner/ seller and the sponsor may constitute a conflict of interest under the regulations and this RFP. See Appendix G.

Attach evidence of site control. Acceptable forms of site control include: an executed deed evidencing ownership by the applicant; an executed contract of sale between the owner and the applicant describing the terms and conditions for the conveyance of title at a designated price during a specific period; an option agreement; a local land disposition agreement; a letter from a public agency providing a site to the applicant under specified conditions within a time frame consistent with the proposed development timetable; a lease with a term that equals the HHAC contract term (currently the minimum is 25 years). Please provide an appraisal and most recent title update if available.

If disposition of the property requires community board or other local government approval, documentation of this should also be submitted with the application. Note that funds for acquisition generally will not be available until the Final Award Phase and applicants should take this timeframe into consideration when negotiating option agreements or contracts of sale. Applicants should also be aware that if they receive an award, funds will generally not be available for drawdown for construction activities until ownership or control of the project site by the applicant has been documented to the satisfaction of HHAC.

Applications proposing the development of single-family homes should note the following HHAC policy regarding such projects:

HHAC recognizes that documenting site control at the time of application is difficult for some single-family acquisitions, especially when the market is favorable to sellers. Therefore, HHAC will consider proposals from applicants that do not have site control at the time of application submission provided the following information can be documented:

- A sufficient supply of privately-owned single-family homes currently offered for sale within the proposed project area exists
- The homes are within the price range proposed in the application and,
- The average length of time a privately-owned home is on the market is less than six months, or for HUD or other government foreclosures, that the program requirements do not allow a long term or open-ended contract of sale.

Applications proposing the development of unidentified scattered-site housing must present a well thought out plan for acquisition which includes a proposed timeline for identifying the appropriate number of sites and securing firm site control. A prototypical development budget, written scope of work and cost estimate must be provided for each site. HHAC will only consider four scattered sites per proposal, unless it is part of a larger LIHTC project. Preference will be given to applicants who identify specific sites and present the most secure form of site control.

The limitation to four (4) sites is intended to ensure that the development of the project occurs expeditiously. Submission of multiple applications for a total of more than four (4) scattered site projects will not be favorably considered.

If funded, adherence to a predetermined timeline for demonstration of site control and acquisition will be a condition of award. This includes satisfaction of standard HHAC acquisition conditions, i.e., obtaining appraisals and title searches, and addressing any conflict of interest requirements. Priority of funding will be given to projects that can document full site control.

Exhibit A-8: Local Social Services District Approval/Community Relations

This exhibit captures information about the applicant's efforts to notify the community of the proposed project and solicit support. Please provide:

- a description of development efforts and the relationship between the project sponsor and the local community;
- evidence of notification to the local planning authority (in NYC, the community board), as well as the response or any other action taken by the local planning board;
- evidence that the local social services district has been apprised of the application and, minimally, a preliminary indication that the local district supports the project. **Note: the local social services district notification of the project is a prerequisite to funding;**
- a statement from the local Continuum of Care (CoC) supporting the proposed project; and
- letters of community notification and support. All letters of support must be dated within six (6) months of the submission date of the application. Please refer to the Definition Section of the application package for guidance on Letters of Support, Commitment Letters and Linkage Agreements.

Note: The local social services district in which the project is located **must** be notified of the applicant's intent to develop the project, regardless of whether the population to be housed falls under the supervision/ jurisdiction of another local agency (i.e., criminal justice, substance abuse, mental health).

Exhibit B-1: Development Budget Summary

If proposing to develop scattered-site housing, **whether the sites are identified or not**, the applicant must include an individual development budget for each site and a summary budget for all sites. Please label the budgets accordingly. If proposing the development of mixed income housing or mixed-use housing (such as the development of housing coupled with retail or civic space), the development budget must provide information relating to the total project, not just the HHAP component. Failure to provide this information may result in disqualification of the proposal from consideration. For projects that involve a construction financing scheme and a permanent conversion, development budgets for both should be included. Please also provide a breakdown listing the sources and uses for both construction and permanent financing.

Exhibit B-2: Description of Development Budget Items

This exhibit requests information about the basis for determining the cost of various items in the HHAP development budget. Please provide an explanation of how the amounts were determined for any ancillary hard and soft cost items including, but not limited to, hazardous materials costs; insurances; furniture; equipment; and start-up costs. If applicable, please include quotes or other documentation as an attachment. Line items such as construction, acquisition, and professional fees are detailed elsewhere in the application. Please include and explain expenses for all line items, not just those for which you are requesting HHAP funding.

Exhibit B-3: Description of Non-HHAP Funds Required for Development

This exhibit contains information relating to non-HHAP funds required for project development. Detail the terms and conditions of other funding sources and document the commitment of other funds. Such documentation must be provided where funds from other sources are required to cover the full cost of the project. If a final commitment of funding is unavailable, please submit the most recent documentation available showing that funding is forthcoming.

If the project anticipates equity generated from the sale of low income housing tax credits, the applicant must include the equity calculation, including the amount of the credit allocation, the anticipated purchase price per credit, and the total equity to be raised as a result of the allocation and sale of the credits.

This exhibit also requires a list of other funding sources, differentiating between construction financing and permanent financing, if applicable.

Exhibit B-4: First Year Operating Budget

If proposing the development of mixed-income housing or mixed-use housing, the operating budget must provide information relating to the total project, not just the HHAP component. Failure to provide this information may result in disqualification of the proposal.

Please detail projected expenses and revenues for the first year of operation. List rents, either on a monthly basis multiplied by 12 (months) or where appropriate, a per diem basis multiplied by 365 (days). HHAC expects that vacancy rates will be set at five percent (5%). If the projected rate is different, please provide an explanation in Exhibit B-5. Sources of operating

funding other than rents should be detailed in the space provided and documentation that the funding is secured should be included.

For projects with an ESSHI conditional award, please provide the proposed ESSHI operating budget. ESSHI operating budgets should be broken up in such a way to differentiate between ESSHI for rental subsidy and ESSHI for support services.

Note: HHAC requires that projects provide for a certain level of replacement and operating reserves, except in instances where the operational funding source specifically precludes budgeting of these line items. Please refer to Appendix I for additional guidance relating to HHAC's reserve policy.

Exhibit B-5: Notes to First Year Operating Budget

This exhibit provides an opportunity to explain revenue assumptions. Be sure to include as much verifying documentation as possible when rents/ revenues exceed the Public Assistance Shelter Allowance.

For mixed-use projects that include LIHTC, please explain what AMI levels the low-income units will be underwritten to.

Exhibit B-6: Projected Annual Expenses for Seven Years

This exhibit details annual operating expenses for seven (7) years. Estimated expenses should be carefully considered, and projections should have a factual and defensible basis.

Exhibit B-7: Explanation of Projected Expenses

This exhibit contains an explanation of the assumptions used to make expense projections. Please include as much supporting documentation as possible, including but not limited to:

- A calculation of how water and sewer taxes were determined
- Documentation of expected utility expenses from either the local utility company or the project architect
- A quote from an insurance agent or company for all required insurance items
- Evidence of any proposed tax abatement or payment in lieu of taxes. Evidence must include a letter from the municipality's tax assessment office indicating the nature of the proposed tax relief, the duration of relief, the estimated full taxes on the completed project, the estimated percentage of relief, and the status of the relief (i.e., under review, approval pending, approved, as of right, etc.). If no tax abatement or payment in lieu of taxes is contemplated, an estimate of the taxes from the local tax assessor's office must be submitted; and
- A breakdown of support services and maintenance payroll per the application forms.

If the operating budget projections are based on a similar project, a description of that project along with copies of bills used as the basis for the operating budget projections must be provided. Management fees, miscellaneous, or administrative expenses that are unreasonable or lack sufficient explanation will not be favorably considered.

The second page of Exhibit B-7 requests information relative to the calculation of a management fee (if any), maintenance and support services payrolls, and debt service (if any).

Exhibit B-8: Seven Year Projected Cash Flow

This exhibit demonstrates whether a proposed project is fiscally viable. Proposals evidencing a negligible or a negative cash flow will not be favorably reviewed. Please be sure to thoroughly explain projected increases in project income and how positive cash flow will be used. Please note HHAC's requirements as outlined in its standard contract with regard to project revenues:

During the Project Operational Phase, all of the rents and other revenues of the Project shall be applied solely to the costs associated with the Project. To the extent that revenues exceed the immediate costs of the Project during the Project Operational Phase, such funds shall be deposited in an interest-bearing bank account in a commercial bank or a savings and loan association ... (hereinafter the "Operating Reserve Account"). During the Project Operational Phase, the funds deposited in the Operating Reserve Account, along with the interest earned on such funds, shall be withdrawn and used only to meet costs directly connected with the operation of the Project, unless another use is approved in writing by the Corporation upon the written application of the Sponsor.

Prior to preparing Exhibit B-8, please refer to Appendix I, which details HHAC's project reserves requirements. HHAC expects that positive cash flow will first be utilized to fund required reserve accounts, unless HHAC provides written approval of an alternate plan for the distribution of project cash flow (distribution of the "waterfall") in consultation with other involved funding entities.

Proposals requesting funds for the preservation of existing homeless programs or HHAP Operating Projects must provide a narrative that, in combination with the operating budgets, demonstrates that the need for additional HHAP funds will not be ongoing.

Note on Financial Feasibility and Rent Levels

Rent levels must be consistent with the target population's ability to pay. In most cases, rents will be set at the public assistance shelter allowance. A maximum shelter allowance for public assistance recipients living in permanent housing is established for each county in the State. The size of the rent allowance depends on the number of eligible family members. See Appendix J for a schedule of shelter allowance maximums throughout the State. The project revenue stream estimate should not project an annual increase in the shelter allowance.

Applicants must submit written documentation of the availability of funds to support revenue projections if the source of funds is other than rents collected from tenants. In cases where the project's revenues will depend on a negotiated rate with a local social services district or other entity, documentation verifying the negotiated rate must be submitted with the proposal. If the project will rely on fundraising to supplement rent revenues, there must be clear documentation of the organization's ability to raise such funds and of its willingness to commit these resources to the project.

Except for the situations listed below, all applicants are expected to maintain rents for units funded under HHAP at a level which does not exceed the public assistance shelter allowance for the county in which the project is located. In general, project rents may exceed the shelter allowance only in the following cases:

- Emergency or transitional housing for which the local social services district is providing a per diem reimbursement or other negotiated rate; annual increases in

this rate should be projected only when the county customarily negotiates such increases each year;

- Facilities licensed or certified by a State agency, in which residents are eligible for Supplemental Security Income (SSI) Level II and/or other special reimbursement rates provided by the licensing agency or other source; annual increases in these rates should only be projected when the agency involved customarily negotiates such increases each year;
- Employed tenants, for whom rents may be set at 30% of a tenant household's adjusted gross income, exclusive of subsidies, or up to 40% of a tenant household's adjusted gross income if both heat and electric utilities are provided and included in the rent (as defined in 24 CFR Part 5 at any given time and used by HUD to determine income eligibility); or,
- Projects in which the tenants are eligible for Section 8 or other housing subsidies and such subsidies are **committed** to the project or its tenants.

Applicants whose projects fall into one of these categories must explain the source of revenues and must provide evidence of the availability of these funds.

Exhibit C-1: Documentation of Need

This portion of the application requests a comprehensive, narrative description of the target community and the population to be housed. Failure to address each component completely will adversely affect the competitiveness of the proposal. All information provided should be verifiable and dated; source documentation, including date, should be identified. Although source documents may be attached to the application, only the information provided in direct response to the question will be evaluated and scored. The applicant is required to analyze and summarize data from supporting documents. Sources may include, but are not limited to, local social services district, Consolidated Plans, local CoC Plans, task force reports, studies, research papers and the applicant's own organization's statistics.

The Documentation of Need should provide an overview of homelessness within the community in which the project will be located, including but not limited to the number of homeless households, characteristics of the homeless population, the number of emergency and transitional shelter placements (including average length of stay), a description of the housing market, and an analysis of the local employment situation.

Applicants should thoroughly describe the target population to be housed and its characteristics, including a description of the factors that perpetuate homelessness among the target population. It should clearly delineate the housing needs of the population.

Based on the information presented in the community description and the target population sections, applicants should demonstrate and describe how the proposed program will meet an identified local need. The most recent Point in Time count, conducted by the CoC, and Housing Inventory Count should be included, demonstrating a gap in available housing that will be addressed by the proposed project, as well as any supporting data, excerpts, and/ or exhibits from the CoC application. Submission of a generic support letter from the CoC alone will not be considered to be sufficiently responsive.

Finally, applicants should detail efforts to secure funding for their project from sources other than HHAP.

Proposals requesting funds for preservation of existing homeless programs or HHAP Operating Projects must include information to justify why preservation of the existing housing units is necessary, and what impact the potential loss of the units would have on homeless service

delivery system in the community. Applications for HHAP Operating Projects must submit a narrative and supporting documentation demonstrating that HHAP funds are necessary to support the continued operation of the homeless units, in lieu of the information requested above related to the description of the community within the Documentation of Need. However, any proposal involving an expansion of existing HHAP units must also include a full Documentation of Need as required above.

Exhibit C-2: Project Licensing/Certification

Exhibit C-2 requests licensing and certification needs of the project and the status of those requirements at the time of application.

Exhibit C-3: Program Description

Be sure to thoroughly address each element of the program description. The narrative should take the reviewer through the proposed project as a program participant. Identify referral sources and the approximate percentage of tenants expected from each source. Provide documentation that a sufficient number of referrals will be received to maintain full project occupancy and to comply with any operating funding requirements, such as ESSHI and MRT. Please detail outreach, intake, eligibility and the plan to document homelessness. The program description should also address requirements for residents and house rules. Finally, this section should describe how program personnel will interact with property management staff. Failure to address each component completely will adversely affect the competitiveness of the proposal.

Exhibit C-4: Support Services Plan

The support services plan should be appropriate for the population to be housed. It should, at a minimum, include services such as: case management, tenant involvement and services designed to increase housing stability. If it is anticipated that all or a portion of services will be provided by outside agencies, current documentation of linkage agreements must be provided in order to receive a full score under this section (**letters of support are not sufficient**). The plan should also identify anticipated tenant accomplishments and outcome measures in appropriate areas such as housing stability; independent living skills; education and employment goals; etc. and describe how the delivery of services will be supervised to ensure that results are achieved and properly documented. Failure to address each component completely will adversely affect the competitiveness of the proposal.

Exhibit C-5: Management and Operating Plan

The management and operating plan (MOP) should set forth staff and management responsibilities and policies for the day-to-day maintenance of the physical plant. The MOP should identify a regular preventive maintenance schedule and incorporate necessary and appropriate safety and security measures. The plan should also incorporate rent collection procedures, as well as eviction and turnover procedures. Additionally, the MOP should describe the work order system for repairs, emergency procedures for basic types of emergencies, provide a long-term replacement plan, and identify what data will be collected to monitor the performance of the housing project. A full MOP should be submitted and approved by HHAC prior to execution of a Final Award/Loan Agreement.

Exhibit D-1: Applicant Information, Legal and Financial Status

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, (as revised July 16, 2014), New York State has instituted key reform initiatives to the grant contract process which require nonprofits to register in the Grants Gateway and complete the Vendor

Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the Grants Reform website by clicking here:

https://grantsmanagement.ny.gov/?utm_medium=301&utm_source=grantsreform.ny.gov

Proposals received by nonprofit applicants that have not registered and are not prequalified in the Grants Gateway at the time of submission may be disqualified from further consideration.

One aspect of New York's Grants Reform Initiative is to streamline the State grants process through the creation of a Grants Gateway Document Vault. This feature, a component of the prequalification process, provides applicants with a secure online repository to store and share commonly requested documents with State agencies.

While HHAP is not currently integrated into the NYS Grants Management System, inclusion of documentation that a nonprofit applicant or co-applicant has been pre-qualified with the Grants Management System (including the Document Vault number) will be accepted in lieu of hard copies of those corporate or organizational documents being uploaded to the Document Vault. These documents are designated on the chart below. Please note that the two most recent financial statements must be included with the application, including the Single Audit (U.S. Office of Management and Budget [OMB] circular A-133), if required.

Note: Use of the Grants Gateway Document Vault is an alternative to including certain applicant information required in this section. If **any** of the information requested in Exhibits D-1 through D-3 is not submitted (other than those items included in the Document Vault), a narrative explanation as to why the information is missing must be provided. Failure to do so may result in the proposal being disqualified. **Further, items uploaded to the Document Vault must be current.** Any required items located in the Document Vault which are outdated and not otherwise included in the application may result in the proposal being disqualified.

Provide a description of the applicant organization **and any supporting organization or co-applicant** including the year it was founded, its mission, and major accomplishments. Describe the applicant's experience in housing development, ownership or management and in the provision of housing or services to homeless and special needs households. Be specific with regard to the applicant organization's ability to operate this proposed project for the contractually mandated period of time (usually 25 or 30 years).

As a reminder, HHAP is restricted to only contracting with nonprofit entities or their wholly-owned subsidiaries, municipalities, public corporations, charitable organizations or their wholly-owned subsidiaries, or qualifying jointly-owned entities. Any proposed contracting entity structure that is essentially for-profit in nature or that cannot be characterized as having a nonprofit with majority interest and control cannot be considered for funding under this RFP.

Agency Information Matrix		
For each corporate entity involved in the project (applicant, co-applicant, and supporting organization), please submit the following documents, as applicable:		
Required Information	Include with Application	Included in Grants Gateway Document Vault (or successor system)
General Information		
Current organizational chart	Yes	
Resumes of key staff and development team to be involved in project development, management and/or the provision of services		Yes
Applicant Agency Development Experience	(form provided)	
Applicant Agency Funding History	(form provided)	
M/WBE and EEO Policy Statement	(form provided)	
Corporate Documents		
(Supporting Organizations Exempt)		
Board of Directors Profile and a narrative description of the relevant experience of Board Members		Yes Please make sure this is an up-to-date Board Profile
Certificate of Good Standing (long-form) *	Yes	
Certificate of Incorporation and any and all Amendments thereto, along with filing receipts with the New York State Department of State with respect to each document.		Yes Please make sure this includes all amendments
By-Laws, including any and all amendments thereto		Yes
IRS 501(c)(3) Ruling		Yes
Faith-Based (Sectarian) Organization Compliance Checklist **	(form provided)	
The last two complete sets of audited financial statements* prepared by an independent certified public accountant for the applicant agency and any supporting organization or co-applicant. The most recent financial statement should be no less than one-year old. *This includes two audits which each cover one year and include the prior year as a comparison.	Yes	Yes
Singe Audit (A-133), if required.	Yes	Yes
For applicants, co-applicants, developers or co-developers that are organized as a Limited Liability Company (LLC) or Limited Partnership (LP), the following information must also be included, as applicable:		

Required Information	Include with Application	Included in Grants Gateway Document Vault (or successor system)
Articles of Organization/Certificate of Limited Partnership	Yes	
Partnership Agreement, Operating Agreement, Membership Agreement, or other equivalent organizational document	Yes	
A listing of members, directors, owners, and/or officers, and their respective degree of ownership interest.	Yes	
Certificate of Good Standing/Status (long-form) *	Yes (if available)	

*A Certificate of Good Standing/Status (long form) certifies that the applicant is in good standing and lists all amendments to the original Certificate of Incorporation that have been filed. A Certificate of Good Standing/Status can be obtained from the NYS Department of State and the website can be found by clicking here: [Certificate of Status | Department of State \(ny.gov\)](https://www.dos.ny.gov/certificate-status). Please allow sufficient time to order the Certificate to ensure that it is included in the application and make sure to order the long form, rather than the short form, which lists only name change amendments.

**The NYS Attorney General’s Office has determined that any organization whose incorporated name carries a sectarian moniker must list itself as a faith-based (sectarian) organization. This includes all YWCA/YMCA’s, Catholic Charities, and organizations that carry the names of saints, biblical figures, etc. Designation as a faith-based organization will not benefit or adversely affect the proposal as long as the form indicates that the applicant will not discriminate in providing services.

***It is HHAC’s responsibility to determine in its opinion whether applicants appear financially stable, not only currently, but also over the life of the project (currently a minimum of 25 years). As such, we will closely scrutinize the financial information provided and evaluate whether applicants possess the organizational infrastructure necessary to both develop the HHAP project and successfully maintain it for the contractually mandated period. The financial statements should include the most recent (less than one-year old) Single Audit (OMB A-133), if required, a classified balance sheet identifying current assets and current liabilities, and any management letters issued.

To complete the financial review, HHAC must understand the financial impact of affiliated organizations on the applicant. Therefore, please provide:

- A list of affiliates, their purpose, any significant contingencies and the relationship of the affiliate to the applicant and
- The consolidated audit and the separate audited financial statements of any significant affiliate if not included in the consolidated audit statements provided above.

Note: Please remember that the audited financial statement must stand on its own. Do not assume that the reviewers know anything about the applicant organization. Therefore, if the applicant’s financial statements are more than one-year old or contain information that may reasonably imply that the applicant organization is or may be experiencing financial difficulties

(i.e., negative working capital, maximized line(s) of credit, audit findings, pending lawsuits, etc.), a narrative explanation of fiscal standing must be included.

Applicants should note the following HHAC requirements regarding financial statements. Applications that do not fully comply with the following requirements may be deemed unresponsive to the RFP and disqualified.

1. The audited financial statements must be presented in conformity with generally accepted accounting principles and audited in accordance with generally accepted auditing standards. This includes:
 - SFAS 116 – Accounting for Contributions Received and Contributions Made
 - SFAS 117 – Financial Statements for Not-for-Profit Organizations
 - AICPA Statement of Position 94-3 – Reporting of Related Entities by Not-for-Profit Organizations and the latest EITF guidance relating to the definition of control that now requires more affiliates to be included in the consolidated financial statements and
 - Other authoritative accounting pronouncements affecting nonprofit accounting and reporting.
2. The financial statements must provide a breakdown of total unrestricted, temporarily restricted and permanently restricted net assets, and include the following:
 - Statement of financial position in the classified format. Please note: While it is preferred that the information be provided by an auditor, if it is not part of the applicant’s audited financial statement, provide a detailed list of assets and liabilities identifying whether each is a current asset or current liability. This list needs to agree in total with the presentation in the applicant’s audited financial statements
 - Statement of activities
 - Statement of cash flow and
 - Statement of functional expenses, when required.
3. If the applicant organization has experienced losses for the last two years, explain why and how the organization plans to bring its spending in line with its revenues.
4. If the applicant organization has a negative working capital position in the current year, explain how the organization plans to raise unrestricted revenues in order to improve the organization’s financial stability. We would suggest a written plan explaining the steps the applicant will take currently and over future periods to rectify the situation. Please be aware that the application may not be competitive if the applicant organization does not adequately demonstrate financial stability.
5. If the applicant’s financial statements identify an outstanding lawsuit, please make sure that the contingency footnote includes an attorney’s opinion as to the expected outcome. Also, identify whether the lawsuit is covered in full by insurance, and if not, discuss the expected financial impact on the organization.
6. HHAC looks for a positive unrestricted net asset position after subtracting increases from the purchase of net assets to determine an organization’s ability to remain financially stable over the 25-year contract term. This cushion or positive net asset position will assist the applicant organization in weathering future downturns in

operations. An increase in net assets that results from capitalizing assets does not provide a financial cushion to the organization. The applicant must demonstrate the ability to generate unrestricted resources. Grant funding and temporarily or permanently restricted revenue cannot by definition provide the cushion because spending must occur prior to recognizing the revenue.

7. Management and the Board of Directors (or other governing members) of the applicant organization are jointly responsible for maintaining an effective system of internal controls. Please be aware that if any material weakness in internal controls over financial reporting, or compliance issues have been identified, the application may not be considered competitive. HHAC places great importance on an organization maintaining an effective system of internal control. Even if it appears that the issue does not affect the proposed HHAP project, a material weakness reflects on the applicant's potential ability to manage HHAP funds. How the applicant organization plans to correct the material weakness will be evaluated. Please identify the steps that have been effectively implemented to correct the material weakness to demonstrate the organization has complied with a corrective action plan. In certain circumstances HHAC may ask for the next year's A133 audit report to be certain that the internal control issues have been rectified.

Exhibit D-2: Minority and Women-Owned Business Enterprise (M/WBE)

Equal Employment Opportunity (EEO) Participation Requirements

Service-Disabled Veteran-Owned Businesses (SDVOB) Requirements

Minority and Women Business Enterprises – Equal Employment Opportunity Participation Requirements

It is the policy of HHAC to actively facilitate the participation of certified Minority and Women-Owned Business Enterprises (M/WBE) in the development of HHAP-funded projects and achieve optimal rates of MWBE participation. Toward this end, HHAC has adopted OTDA's M/WBE and EEO participation requirements and will utilize Regional MWBE participation goals to establish a baseline expectation for contractors to demonstrate their respective good faith effort to meet or exceed contractual MWBE participation requirements. However, each HHAP project will be assigned a contract-specific goal, which will be based on the project's scope of work, location of the project, and the availability of MWBEs to participate therein.

HHAC strongly advises applicants to identify and solicit certified M/WBEs for participation in the project that will be funded by HHAC as early as possible in the planning and development process. M/WBE goals apply to the entire "discretionary" amount of the HHAP award, which represents the total of all budget lines where M/WBE participation is possible. Therefore, the procurement or utilization of various goods and services related to the project are all opportunities to achieve or exceed the M/WBE participation goals. Applicants are strongly encouraged to consider line items including, but not limited to, title insurance, legal, surveyor, furniture, consultant, architect, suppliers, and of course, the General Contractor or Construction Manager and any subcontractors and/ or suppliers as potential opportunities to meet or exceed the M/WBE participation goals.

Please be advised that the term "contractor" in HHAP/OTDA M/WBE and EEO compliance documents refers to the applicant, grantee or borrower of HHAP funds, not the construction contractor, and that it is the responsibility of the applicant and co-applicant (not the construction contractor or consultant) to plan, achieve and report on M/WBE participation. Further, please

note that an authorized representative of the applicant organization must complete, sign and submit each of the required M/WBE and EEO compliance documents, which are listed below:

- M/WBE-EEO Policy Statement
- Equal Employment Opportunity Staffing Plan
- Proposed M/WBE Subcontractor Utilization Plan
- M/WBE Subcontractors and/ or Suppliers Letter of Intent to Participate*
- M/WBE Goal Requirements Certification of Good Faith Efforts
- M/WBE Subcontractor Request for Waiver Form (if applicable) and
- M/WBE Subcontractor Utilization Plan (note below)

Note: Applicants that have not identified certified businesses to achieve the desired goals should indicate “TBD” on the M/WBE Utilization Plan and M/WBE Subcontractors and/ or Suppliers Letter of Intent to Participate. However, it is HHAC’s strong preference that an initial utilization plan be submitted identifying M/WBEs intended to be used in development of the project. The initial utilization plan may be revised prior to final approval and execution of a contract with HHAC. (End of note)

Additional information regarding HHAC/OTDA’s M/WBE and EEO participation requirements is contained in Appendix D of this RFP and will be reflected in Appendix Z of an HHAC contract.

Service-Disabled Veteran-Owned Businesses (SDVOB) in State Contracting

HHAC and OTDA are in full accord with the aims and efforts of the State of New York to promote Service-Disabled Veteran-Owned Businesses (SDVOBs), as enacted in 2014 by Article 17-B of the Executive Law. This law acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economies of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, Applicants are strongly encouraged and expected to consider SDVOBs in fulfilling the requirements of the resulting contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses by clicking here: <https://online.ogs.ny.gov/SDVOB/search>

Applicants are strongly encouraged, to the maximum extent practical and consistent with legal requirements of the State Finance Law, the Executive Law and any implementing regulations, to use responsible and responsive NYS certified SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Applicants are subject to the provisions of Executive Law Article 17-B and the regulations (9 NYCRR Part 252) issued thereunder. Applicants are reminded that they must continue to utilize small, and minority and women-owned businesses (M/WBEs), consistent with current State law (Executive Law Article 15-A).

Applicants will complete and submit a Service-Disabled Veteran-Owned Businesses (SDVOBs) Utilization Plan (SDVOB-100), to demonstrate their proposed utilization of NYS certified SDVOBs as part of their bid/proposal. OTDA has set a goal for SDVOB utilization for this procurement of 6%. HHAC has adopted OTDA’s SDVOB policies and goals. Additional information about HHAC/OTDA’s SDVOB participation requirements may be found in Appendix E and will be reflected in the Appendix Y of an HHAC Contract.

The successful Applicant will report on actual participation by each SDVOB during the term of the contract to HHAC/OTDA on a monthly basis according to policies and procedures to be set forth by HHAC/OTDA in Appendix E: Services Disabled Veteran Owned Business (SDVOB) Participation Requirements for OTDA contracts.

Note: Information about set asides for SDVOB participation in public procurement can be found at: <https://ogs.ny.gov/veterans/> which provides certification information and guidance for State agencies in making determinations and administering set asides for procurements from SDVOBs.

Exhibit D-3: Required Certifications

- Contractor/Subcontractor Background Questionnaire
- Nondiscrimination in Employment in Northern Ireland
- Non-Collusive Bidding Certification
- Statement of Agreement
- Vendor Assurances of No Conflict of Interest or Detrimental Effects (see Appendix L)

Exhibit E: Site Development Information

Coordination of design, program and cost is the cornerstone of a successful project. To ensure project success, HHAP sponsors must assemble a strong development team. A crucial member of the team is the project architect.

Applicants should take special care when interviewing and selecting a project architect. Applicants should make sure that the individual or firm has experience developing the type of housing being proposed. If the applicant is considering hiring an individual, the applicant should verify that the individual has the capacity to complete the job. If the applicant is considering hiring a larger firm, the applicant should inquire into whether a principal or associate will be assigned to the project. Above all, the applicant should make sure that the architect has the time to devote to the project because, in most instances, a project progresses only as quickly as the architect works. Finally, the applicant should determine as soon as possible whether the architect is prepared to comply with HHAC's design submission and construction monitoring requirements and accept HHAC's fee schedule (see Appendix K). HHAC reserves the right to request that successful applicants replace a proposed architect based on HHAC's past experience with the architect, or if HHAC determines that the architect is not qualified or is unable to successfully complete the project.

HHAC strongly encourages applicants to begin working with their architects during the project's conceptual stage. Architects should be provided with a copy of this RFP, the HHAP application package, and the support service plan so they can become familiar with HHAC's requirements and the proposed program. In addition, HHAC requires that an applicant include a signed "Architect's Certification" with their submitted application (see Appendix B).

If proposing a scattered site project, whether the sites are identified or not, a complete Section E for each proposed site must be completed and included in the application. Additionally, Exhibit E-2 and the cost estimate should be completed presenting aggregate information for all sites. Failure to do so may result in disqualification of the proposal.

If proposing the development of mixed-income housing or mixed-use housing, Section E must provide information relating to the total project, not just the HHAP component. Failure to provide this information may result in the proposal being disqualified from consideration.

After the application is received, HHAC's architectural/ engineering consultant will review the application and may conduct a site visit. If the proposal is not sufficiently detailed or the site or existing building conditions are not adequately or accurately described, the application may be rejected as incomplete. Applicants should take reasonable steps to ensure that the application, cost estimates and scope of work are accurate, detailed and complete, including, if necessary, a feasibility study. The proposal will be evaluated for how closely the architect's scope of work

and cost estimate matches those developed by the reviewers. It is not advantageous to underestimate the proposed scope or cost.

A New York State licensed architect or professional engineer must inspect the proposed site(s) and prepare the following written information in Exhibits E-1 through E-10.

Exhibit E-1: Site Description

This exhibit captures information about the former use and current condition of the site, neighborhood characteristics and the site's proximity to public services and transportation. This section should also fully describe any housing or services that will be provided to the non-homeless population at the site. If the project will inherit existing tenants, please provide a relocation plan or detail how the existing tenants will be integrated into the proposed project.

Exhibit E-2: Site Development Information

This form should be completed for each site, and a summary sheet presenting cumulative information from all sites should be prepared. The exhibit requests information relating to:

- Building and unit sizes
- Description of existing utilities
- Existing Certificate of Occupancy (if available)
- Information on accessibility to disabled persons and compliance with the Olmstead decision as described in Section II. L of the RFP and
- Proposed building construction classification.

Exhibit E-3: Scope of Work and Cost Estimate

This exhibit should be completed for each project site. Please provide outline specifications, as well as a detailed narrative identifying the level of construction work required, the construction approach to be used, and a detailed scope of work. Note that the information in this exhibit must include a level of detail that is sufficient to allow HHAC's architectural reviewer to assess the feasibility and constructability of the project, as well as the reasonableness and accuracy of the cost estimate. Therefore, the scope of work, outline specifications and supporting narrative must address considerations such as the grade and quality of materials and fixtures; the extent to which hazardous materials and subsurface conditions were accounted for; and how life-cycle costs were considered in terms of durability of materials, cost and ease of maintenance and operations. In addition, a narrative should be included which describes how the design is appropriate for the population to be housed.

Finally, a detailed cost estimate (in the format provided), should be provided, based on a realistic construction start date. If proposing a scattered-site project, a cost estimate must be provided for each site, and an aggregate cost estimate representing all sites must also be included.

Proposals requesting funds for HHAP Operating Projects must submit a narrative scope of work and supporting documentation demonstrating that the existing conditions of the project, if not corrected, are severe enough to impact the health and safety of the tenants and/or the ongoing viability of the project. Such proposals must also show that the proposed repairs, expansion of units, or other modifications are necessary to:

- a) Enhance the quality of life or facilitate appropriate supportive services for tenants

- b) Accommodate population changes in response to community needs, or
- c) Address one or more significant operational issues that are related to sustaining the availability of the project as a community resource for homeless individuals or families.

Further, the scope of work and cost estimate must be reasonable and limited to those repairs or modifications identified as necessary to protect the health and safety of tenants, enhance the ongoing viability of the project, or achieve the objectives listed above. Items that could be considered as upgrades or deferred maintenance items should be avoided.

Exhibit E-4: Energy Efficiency/Electrification

In an effort to meet New York State's Climate Leadership and Community Protection Act ("Climate Act"), which mandates at least 85% reduction in greenhouse gas emissions by 2050, as compared to New York State's 1990 carbon emission levels. For project buildings, this will mean dramatically improving efficiency by increasing the performance of building envelopes and hot water consuming appliances/fixtures and replacing fossil fuel combusting equipment with efficient electric solutions.

Electrification of heating and hot water systems in nearly all buildings is a key strategy for building decarbonization and depends upon energy efficiency improvements in all buildings and 100% zero emissions electricity.

This section will be scored based upon the applicant's demonstration of the measures it will take in the project that will achieve high energy efficiency by participating in one of the several available programs outlined in Section IV. C or in meeting equivalent standards, as applicable to the type of project proposed.

Exhibit E-5: Zoning Analysis and Status of Local Approvals (for each site)

A careful zoning analysis is critical if new construction or a change of use is anticipated. This exhibit captures information about the current and proposed zoning of the proposed project site. Please include:

- Excerpts from applicable zoning regulations
- Zoning map and
- Description of the zoning situation of the proposed project site.

Applicants must include a statement by the architect/engineer indicating that any proposed new construction or rehabilitation will comply with applicable State and local laws, regulations and codes, land use provisions, deed restrictions or covenants, zoning regulations, historic board procedures, and any other local approvals, and that, where necessary, a new certificate of occupancy will be obtained at completion. In the case where the planned development is not as-of-right, include a statement by the architect detailing how the appropriate approval(s) will be obtained and be sure to include the anticipated timeframe for securing such approvals in Exhibit E-6. **Should the zoning analysis prove incorrect, HHAC reserves the right to withdraw the award reservation for the project.**

List all local approvals necessary to develop the proposed project and describe the current status of such approvals. Include the anticipated timeframe for securing such approvals in Exhibit E-6.

List any access agreements that are necessary to develop the proposed project and describe the current status of such agreements. Include the anticipated timeframe for securing such needed agreements in Exhibit E-6.

Priority will be given to projects that can be developed as-of-right or that have already secured any and all needed approvals to move forward.

Exhibit E-6: Project Timeline

Estimate the total timeframe for development of the proposed project from notification of award to project rent-up and outline the estimated completion dates for achieving major project milestones. The form provided can be modified to accurately capture all steps required for the project.

HHAP expects that proposed projects will begin construction within twelve (12) months of an award. However, priority will be given to proposed projects that can demonstrate that construction can begin within six (6) months. If applying to NYS Homes and Community Renewal (4% or 9% financing), please provide a realistic timeline as to where the proposed project fits into the HCR Pipeline.

Exhibit E-7: SHPO/SEQRA

The New York State Office of Parks, Recreation and Historic Preservation is responsible for reviewing certain publicly funded projects to determine if they involve structures of historic significance that may require some degree of interior or exterior preservation. If the proposed site is either in a historic building or a historic district, design and cost estimates should reflect the potential concerns of the State Historic Preservation Office (SHPO) and/ or the local historic preservation association. All forms are now submitted electronically online to SHPO. Submission directions are provided in the application. Proof of online submission to SHPO must be included in the application.

To submit online to New York State Office of Parks, Recreation and Historic Preservation, please click here: <https://parks.ny.gov/shpo/online-tools/>

Submission of the short Environmental Assessment Form (EAF) is required for compliance with State Environmental Quality Review Act (SEQRA) procedures.

Exhibit E-8: Flood Plain Letter (for each site)

Please provide a flood plain letter from the appropriate jurisdictional authority when indicating whether the project site(s) is in a Special Flood Hazard Area (SFHA). Please note that for proposed sites located in an area where flood insurance is required, the projected operating budget must include flood insurance among the expenses. HHAC strongly discourages applicants from selecting sites located in a SFHA as indicated on the official Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA). Applicants are encouraged to select sites located in moderate or minimal flood hazard areas, labeled Zone B or Zone X (shaded), and Zone C or Zone X (unshaded), respectively.

Exhibit E-9: Site Photographs (for each site)

Please provide six (6) color photographs of the site, one facing the front of the site, one facing the rear of the site, and views from the site looking east, west, north and south. Please label them appropriately.

Exhibit E-10: Floor Plans (for each site)

Please include the following:

- Location plan, showing the location of the site in the context of neighboring buildings (minimum scale 1" = 100');
- Site plan (minimum scale 1" = 40');
- "As-is" (existing) floor plans;
- Sketch plans prepared by a licensed architect or engineer (minimum scale 1/8" = 1.0') sufficient to explain the scope of the project, including all levels, elevations, sections, and site plan. One full set of architectural plans and copies of plans reduced to letter size paper (8 1/2" x 11") must be included with each copy of the application; and
- Typical unit plan at 1/4" = 1' scale.

Note that the plans for electronic submission should be in .pdf file format and printable to maximum of ledger size paper.

Applicants and their architects should take into consideration the requirement of Local Laws 58 (Accessibility to the Physical Disabled) and 76 (Asbestos Inspection and Removal). In addition, all applicants should take into consideration the requirements of the Americans with Disabilities Act and any other applicable State, federal or local statute, rule, regulation or ordinance, including the *Olmstead* decision discussed in Section II. L.

Applicants proposing projects to be licensed, certified or regulated by a State or local agency should make sure that the proposed design meets any regulatory requirements of that agency.

Appendix B - Contract Information

A. Contract Components

Funds awarded pursuant to this RFP will be made available through a contract with HHAC. A copy of the contract will be sent to successful applicants. The contract includes termination, hold harmless, record retention and non-discrimination provisions. The contract also contains provisions that bind the project for use as a supportive homeless housing project for 25 years or longer as set by the contract; allow for the replacement of management by HHAC if the project fails to operate as a homeless project in accordance with the contract; and provide that HHAC may require any funds previously advanced to the sponsor be refunded to HHAC in the case of termination or other substantive contract violation. To the extent permitted by law, the contract may be terminated immediately upon the filing of a petition of insolvency, by or against the sponsor. Such termination shall be immediate and complete, without termination costs or further obligations by HHAC to the sponsor. For informational purposes, a sample HHAC contract is posted on OTDA's website along with this RFP. Please be advised that the posted contract is a sample agreement; the actual terms and conditions of contracts executed as a result of this RFP may vary.

For awardees negotiating loans from financial institutions, a copy of an HHAC contract and intercreditor agreement should be requested before finalizing loan commitments to assure that provisions of the HHAC documents are compatible with the loan documents required by such financial institutions. In most instances, HHAC requires a first priority lien position; in limited cases, HHAC will agree to a co-equal first position.

B. The HHAP Contract Process and Contract Terms

HHAC has a two-step contract process. Under this system, most HHAP sponsors may, within four to six months of the announcement of awards, receive funds for certain pre-construction activities including the following costs:

- partial architectural, consultant and legal fees (as deemed necessary and appropriate by HHAC);
- surveys and appraisals; and,
- binders and options on property acquisition.

Approval of a Pre-Construction Award Agreement will depend on the submission of information and documentation specified by HHAC, and the review and approval of these materials by staff of OTDA, as well as by the HHAC Board. In some cases, limited pre-construction funds will be available for interior demolition and cleanout; in these cases, reviews by the State Historic Preservation Office (SHPO) and the State Environmental Quality Review Act (SEQRA) must be completed prior to undertaking these activities. Please note that full acquisition funding generally will not be available during the pre-construction phase.

HHAC expects that pre-construction awards will enable most awardees to complete the remaining tasks necessary for approval of the Final Award or Loan Agreement. These tasks include securing site control; obtaining a survey certified to HHAC; arranging for title insurance in the amount of the HHAP award (certified to the New York State Homeless Housing and Assistance Corporation and New York State Office of Temporary and Disability Assistance, their successors and/or assigns); finalizing commitments of non-HHAP funds; completing the SHPO and SEQRA reviews; completing working drawings; and obtaining construction bids.

HHAC currently requires that projects funded under HHAP operate as homeless housing for a **minimum of 25 years**.

HHAC requires that projects funded under this RFP execute one or more mortgage(s) and note(s) in the full amount of the HHAP award. In cases where the contract is structured as a grant, the mortgage(s) and note(s) will simply secure the sponsor's performance of its obligations to HHAC. No payments of interest or principal, except on default, will be required, and the notes and mortgages will be satisfied upon the completion of all contract requirements. In instances where low-income housing tax credits are involved, the contract will be structured as a bona fide loan.

Contracts will not be processed until all information requested in the RFP and any information requested in letters notifying the applicant of the award have been submitted and approved. All issues must be finalized to the satisfaction of HHAC before a contract can be signed. HHAC will require, at its discretion, a board resolution or equivalent document from the applicant authorizing, among other things, named individual(s) to enter into contract(s) with HHAC, execute note(s) and mortgage(s) to secure HHAP funding, and authorizing establishment of a bank account dedicated for the use of HHAP funds. HHAC is not liable for any expenses incurred before a contract is fully executed. The fully-executed contract may, however, provide for a contract period which begins prior to the date on which the contract is fully executed. In general, the start of the contract period will coincide with the date of the conditional award reservation.

After all outstanding documents are received and approved by HHAC, the awardee may execute the contract. Funds will not be advanced until a segregated bank account has been established and documentation has been received and on file with the HHAC. For projects using HHAP funds for acquisition, 100% of the purchase price may be available to an awardee at closing. For projects using HHAP funds for rehabilitation or construction, drawdowns will be made based on submission of vouchers and documentation of completion of work approved by the project architect and a representative of HHAC. At HHAC's discretion, a 10% retainage will be held until substantial completion of the work, and HHAC will usually retain 1.5% of the construction contract amount for the Warranty Period (one year after the architect certifies 100% completion).

C. Management and Operating Plan

Sponsors will be required to submit a **detailed** management and operating plan for HHAC approval prior to receiving authorization to rent up the project. This is in addition to the requirements for an MOP described in Exhibit C-5.

Leases, residency agreements, house rules and program requirements must also be approved by HHAC prior to rent up. HHAC requires that such agreements/ policies be presented to tenants/residents in writing (or otherwise communicated to tenants who have visual or other impairments), so that tenants/residents have an opportunity to discuss the terms with appropriate agency personnel, and that tenants/residents acknowledge in writing that they understand and agree to the terms of residency.

D. Reporting Requirements

Periodic progress reports shall be required during the period of expenditure of project funds. These may include reports on the status of the rehabilitation or construction work, monies committed, and monies paid. Sponsors shall ensure that annual audits are completed and submitted to HHAC. Quarterly financial reports may be required during the first year of occupancy that document rents collected, and expenditures made, as well as regular

maintenance and operating costs. In addition, an Annual Operating Report, which includes, but is not limited to, a budget to actual report, audited financial statements, rent roll, vacancy and referral data, and proof of insurance will be required during each subsequent year of the contract. Additional reporting may be required at the discretion of HHAC.

Appendix C - The Empire State Supportive Housing Initiative (ESSHI)

In 2016, New York State announced a commitment to develop 6,000 new permanent supportive housing units over the next five years. The State Fiscal Year 2022-23 Budget continued funding to advance this comprehensive plan for affordable and supportive housing to ensure New Yorkers have access to safe and secure housing. The State has committed this funding in order to create or preserve affordable and supportive housing units. As part of that commitment, funding for the Empire State Supportive Housing Initiative (ESSHI) Inter-Agency Service and Operating Funding Opportunity was made available for the development and operation of at least 1200 units annually of supportive housing for persons identified as homeless with special needs, conditions or other life challenges.

NYS will award service and operating funding for units of housing developed with capital funding to support the needs of the individuals residing in the units. Up to \$25,000 per unit annually in services and operating funding is available.

The NYS Office of Mental Health (OMH) serves as the lead agency for this initiative, under the guidance of the Interagency workgroup. The Interagency workgroup includes representatives from the following State agencies:

- Department of Health (DOH), including the AIDS Institute
- NYS Homes and Community Renewal (HCR)
- Office of Addictions Services and Supports (OASAS)
- Office of Children and Family Services (OCFS)
- Office of Mental Health (OMH)
- Office of Prevention of Domestic Violence (OPDV)
- Office for People With Developmental Disabilities (OPWDD)
- Office of Temporary and Disability Assistance (OTDA)

More information regarding the Empire State Supportive Housing Initiative (ESSHI) can be found at the Office of Mental Health Procurements' Opportunities at:

<https://omh.ny.gov/omhweb/rfp/>

Appendix D – MWBE and EEO

Minority and Women-Owned Business Enterprise (M/WBE) and Equal Employment Opportunity (EEO) Participation

Contractor Requirements and Procedures

New York State Law

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations OTDA is required to promote opportunities for maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs” and the employment of minority group members and women in the performance of OTDA contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, OTDA hereby establishes an overall goal for MWBE participation, for New York State-certified Minority-owned business enterprises (“MBE”) participation and for New York State-certified Women-owned business enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OTDA may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed by clicking here: <https://ny.newnycontracts.com/> For guidance on how OTDA will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

The Contractor acknowledges that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. [FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be sixty percent (60%) of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE]. [FOR ALL OTHER CONTRACTS - The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be twenty-five percent (25%) of the total value of the contract].

In accordance with 5 NYCRR §142.13, the Contractor further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract resulting from this RFP, such finding constitutes a breach of Contract and OTDA may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a Contractor agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the

New York State Contract System (“NYSCS”), which can be viewed by clicking here: <https://ny.newnycontracts.com/>, provided, however, that a Contractor may arrange to provide such evidence via a non-electronic method by contacting the Contract’s program manager at OTDA.

Additionally, a Contractor will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OTDA, for review and approval.

OTDA will review the submitted MWBE Utilization Plan and advise the Contractor of OTDA’s acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the Contractor will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OTDA, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA shall notify the Contractor and direct the Contractor to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OTDA may disqualify a Contractor as being non-responsive under the following circumstances:

- a. If a Contractor fails to submit a MWBE Utilization Plan;
- b. If a Contractor fails to submit a written remedy to a notice of deficiency;
- c. If a Contractor fails to submit a request for waiver; or
- d. If OTDA determines that the Contractor has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to OTDA but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a M/WBE Contractor Compliance & Payment Report to OTDA, by the 8th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Contractor agrees with all of the terms and conditions of this Appendix – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women or Authority equivalent to Appendix A. The Contractor is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin,

sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Contractor will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form OTDA 4970, to OTDA with their bid or proposal.

If awarded a Contract, Contractor shall submit a Workforce Utilization Report, Form OTDA-4971, and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by OTDA on a QUARTERLY basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

Please further note: All MWBE goals will be negotiated per contract. HHAC is working with other NYS Agencies that provide capital funding sources to coordinate NYS MWBE goals.

**Construction Related Minority and Women-Owned Business Enterprise
Participation Goals by County**

Counties			MBE	WBE
<ul style="list-style-type: none"> • Nassau • Bronx • Kings • New York 	<ul style="list-style-type: none"> • Orange • Putnam • Queens • Richmond 	<ul style="list-style-type: none"> • Rockland • Suffolk • Westchester 	22%	10%
<ul style="list-style-type: none"> • Erie • Genesee • Livingston 	<ul style="list-style-type: none"> • Monroe • Niagara • Orleans 	<ul style="list-style-type: none"> • Ontario • Wayne 	20%	10%
<ul style="list-style-type: none"> • Albany • Broome • Cayuga • Dutchess • Herkimer 	<ul style="list-style-type: none"> • Montgomery • Madison • Oneida • Onondaga • Oswego 	<ul style="list-style-type: none"> • Rensselaer • Saratoga • Schenectady • Schoharie • Tioga 	20%	10%
<ul style="list-style-type: none"> • Allegany • Cattaraugus • Chautauqua • Chemung • Chenango • Clinton • Columbia • Cortland • Delaware • Essex 	<ul style="list-style-type: none"> • Franklin • Fulton • Greene • Hamilton • Jefferson • Lewis • Otsego • Schuyler • Seneca 	<ul style="list-style-type: none"> • St. Lawrence • Steuben • Sullivan • Tompkins • Ulster • Warren • Washington • Wyoming • Yates 	10%	10%

Appendix E - Service-Disabled Veteran-Owned Business Enterprises

Article 17-B of the Executive Law enacted in 2014 acknowledges that Service-Disabled Veteran-Owned Businesses (SDVOBs) strongly contribute to the economies of the State and the nation. As defenders of our nation and in recognition of their economic activity in doing business in New York State, Contractors under this RFP are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers or other supporting roles. SDVOBs can be readily identified on the directory of certified businesses by clicking here: <https://ogs.ny.gov/veterans/>

Contractors need to be aware that all authorized users of this contract will be strongly encouraged to the maximum extent practical and consistent with legal requirements of the State Finance Law and the Executive Law to use responsible and responsive SDVOBs in purchasing and utilizing commodities, services and technology that are of equal quality and functionality to those that may be obtained from non-SDVOBs. Furthermore, Contractors are reminded that they must continue to utilize small, minority and women-owned businesses consistent with current State law.

Utilizing SDVOBs in State contracts will help create more private sector jobs, rebuild New York State's infrastructure, and maximize economic activity to the mutual benefit of the Contractor and its SDVOB partners. SDVOBs will promote the Contractor's optimal performance under the contract, thereby fully benefiting the public-sector programs that are supported by associated public procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of SDVOBs by its contractors. The State, therefore, expects Contractors to provide maximum assistance to SDVOBs in their contract performance. The potential participation by all kinds of SDVOBs will deliver great value to the State and its taxpayers.

Bidders/ proposers will complete and submit a Service-Disabled Veteran-Owned Business (SDVOB) Utilization Plan (SDVOB-100), to demonstrate their proposed utilization of NYS certified SDVOBs as part of their bid/proposal. However, if after making a good faith effort to achieve the SDVOB participation goal, applicants are unable to achieve the SDVOB participation goal, they may submit an Application for Waiver of SDVOB Participation Goal.

Note: Information about set asides for SDVOB participation in public procurement can be found by clicking here: <https://ogs.ny.gov/veterans/> which provides guidance for State agencies in making determinations and administering set asides for procurements from SDVOBs.

Please note: All SDVOB goals will be negotiated per contract. HHAC is working with other NYS Agencies that provide capital funding sources to coordinate NYS SDVOB goals.

Appendix F - Omnibus Procurement Act of 1992

For OTDA Use Only	
Reviewed By:	Date:
Decision: <input type="checkbox"/> Full SDVOB waiver granted <input type="checkbox"/> Partial SDVOB waiver granted; revised SDVOB goal: _____ % <input type="checkbox"/> SDVOB waiver denied	
Approved By:	Date:
Date Notice of Determination Sent:	
Comments	

1. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontracts and suppliers on its procurement contracts.

2. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
 Division for Small Business
 30 South Pearl Street
 Albany, New York 12245
 Phone: (518) 292-5220

3. A directory of minority and women-owned business enterprises is available from:

NYS Department of Economic Development
 Minority & Women's Business Development Division
 30 South Pearl Street
 Albany, New York 12245
[Empire State Development \(ny.gov\)](http://www.empirestate.gov)

4. The Omnibus Procurement Act of 1992 requires that by signing this bid proposal, offerors certify that whenever the total bid amount is greater than \$1 million:

- A. The offeror has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- B. The offeror has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- C. The offeror agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The offeror agrees to document these efforts and to provide said documentation to the State upon request; and,
- D. The offeror acknowledges notice that New York State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

Appendix G - Conflict of Interest

Please take note that New York State regulations (18 NYCRR Part 800.10) regarding Conflicts of Interests apply to HHAP funding. Based on these requirements:

- No member of the board of directors of any contracting entity or officers of such entity, or employees of a municipality entering into a contract under the Homeless Housing and Assistance Program, nor any member of their immediate families, may receive financial remuneration directly or indirectly under the contract.
- No member of the board of directors of any contracting entity or officers of any such entity or employees of a municipality or any member of their immediate families shall benefit financially either directly or indirectly from the entity's or municipality's participation in the program, unless such action is necessary for the accomplishment of the project and such relationship has been disclosed to HHAC.
- No member of the following categories of persons may serve as an employee, officer, member of the board of directors or consultant to a contracting entity or organization, or as an employee of a municipality, that is a contractor under this Part, or may receive financial remuneration either directly or indirectly under any such contract, unless such position or relationship has been disclosed to and approved by HHAC:
 - a. persons holding elective public office or members of their personal staffs or immediate families;
 - b. persons holding the political party offices of Assembly District Leader, or State or County Committee Member, as defined in the Election Law, or members of their immediate families; and
 - c. employees of the OTDA, other State agencies or local governmental agencies or their immediate families.

HHAC reserves the right to review all disclosures of position or relationship under this section, to request additional information it deems necessary or appropriate, to determine whether an individual's position or relationship constitutes a conflict of interest which would prohibit such individual from entering into a contract under this Part, and to determine an appropriate remedy, in its sole discretion.

The conflict of interest policy applies to the directorship, ownership, membership, partnership, or officers of any applicant, co-applicant, supporting organization, subsidiary, affiliate or contracting entity involved in the proposed project. Situations where individuals or any member of their immediate families or employees that, by nature of their positions or ownership interests, may simultaneously benefit financially (directly or indirectly) and direct or influence decisions having a financial impact related to the proposed project may be considered a conflict of interest, whether or not HHAP funds are directly involved.

With regard to categorical conflicts (third bullet point above), the HHAC Board, at its discretion, shall require that members or directors of the contracting entity of the type specified above shall agree to: a) provide a letter, wherein they attest that they did not use their position to influence the decision by State staff to fund a given project; but they wish to otherwise function as board

members in regard to the project, b) withdraw during any discussion of HHAP projects and not vote on or participate in any project related actions, or c) resign from their position with the contracting entity. The entity shall provide written assurance of compliance with this requirement as a condition for continued participation in and funding of the project. The latter options shall not bar these individuals from participating in public functions, such as groundbreakings, ribbon cuttings, etc.

With regard to other conflicts of interest (first and second bullet point above), HHAC, at its sole discretion, may require additional actions by the contracting entity to mitigate any actual or potential conflict, including but not limited to: 1) elimination of the developer's fee; 2) competitive bidding of all subcontracts or all trades; or 3) full removal, resignation, or recusal of all conflicted individuals from the contracting entity or a related entity.

Appendix H - Developer/Consultant Fee Schedule

At the discretion of HHAC, a developer's fee may pay for administrative overhead, a dedicated project manager and/ or consultant, and provide reimbursement for direct costs, such as travel, mailings, supplies, etc. Non-profit organizations, their subsidiaries and charitable organizations are eligible to receive a developer's fee in accordance with the following schedule if their application is selected for funding. Please note, a developer's fee will **not** be provided to governmental entities, including public authorities, municipalities and/ or county offices.

The total amount requested for a consultant's services and a developer's fee **combined cannot exceed** the below schedule. This does not mean the full developer's fee can be used to pay a consultant. If HHAP funds will be utilized to pay a consultant, their contract will need to be reviewed and approved by HHAC.

The developer's fee should be calculated according to the fee schedule below, based on the amount of **HHAP funds** requested, less Other Than Project Costs (OTPC). OTPC line items include furniture, start-up costs, and reserves.

HHAP Award (Less OTPC) Fee Allowance

Under \$300,000	\$15,000
\$300,001 - \$1,000,000	Five percent (5%)
\$1,000,001 - \$2,000,000	\$75,000
\$2,000,001 - \$3,500,000	Four percent (4%)
\$3,500,001 - \$4,250,000	\$150,000
\$4,250,001 and over	Three and a half percent (3.5%)

Note: The **maximum** developer's/ consultant's fee allowed under HHAP guidelines is \$200,000. HHAC reserves the right to determine the amount, if any, of developer's fee to be awarded from HHAP funds, based upon the developer's fee policy adopted by the HHAC Board. The policy states, in part, that the provision of a developer's fee will be based on three factors:

- 1) A review of the agency financial statements to ascertain whether the sponsor has the financial ability to absorb project-related costs;
- 2) A review of the requested developer's fee for overall reasonableness and compliance with HHAC's established developer's fee guidelines; and
- 3) A review of the developer's fee to be provided by other funding sources (if any).

Appendix I - Operating and Replacement Reserve Policy

1. Operating and Replacement Reserves

The policy of HHAC is to require that projects provide for a certain level of operating and replacement reserves, unless the operational funding source specifically precludes budgeting such line items. The level of annual payment into these accounts is defined in section 2 of this Appendix. If the project does not generate sufficient income to meet this requirement, to the extent that other funding sources for reserves are not available, HHAP funds may be requested to capitalize the deficit in reserves through this application.

HHAC may provide, at its discretion, funding to capitalize operating and replacement reserves. These funds will be made available only for the benefit of the HHAP project. An operating reserve is a set aside of funds to cover unforeseen cash flow problems which may arise in a project, such as an unusually high vacancy rate and/or uncollectable rate. A replacement reserve is a set aside of funds earmarked to replace certain building components at the conclusion of their useful life.

Operating Reserve Policy

Operating Reserve funding may be provided at the discretion of HHAC staff based on a review of the operating budget. HHAP operating reserves are not intended to turn an otherwise financially unsustainable project into a viable project.

Operating reserves may be allocated to projects based on the formula provided under section 2A. At the completion of construction, the reserve amount may be provided to the sponsor and placed in a segregated, interest bearing account. To access reserve funds the sponsor will be required to present a request to HHAC identifying the amount of funds requested and the reason funds are needed (with supporting documentation), and setting forth a corrective action plan to preclude further need to utilize operating reserves for the specific problem identified. Any withdrawal from the HHAP reserve account will require prior HHAC approval in writing.

Replacement Reserve Policy

Replacement Reserve funding may be provided at the discretion of HHAC staff based on a review of the operating budget. Applicants must demonstrate that project income is sufficient to fund all or some portion of the reserve.

Replacement reserves may be allocated to projects based on the formula provided under section 2B. Sponsors will be allowed to request a reserve sufficient to meet anticipated need, and any approved reserve will be capitalized over the contract term. All requests will be reviewed for reasonableness by HHAC staff.

As with operating reserves, funds may be provided to sponsors at the completion of construction. Funds must be placed into a segregated account. To access reserve funds the sponsor will be required to present a request to HHAC identifying the amount of funds requested and the reason funds are needed (with supporting documentation) and setting forth a corrective action plan. If appropriate, the need for reserve funding will be verified by HHAC's

architectural/ engineering consultant. Any withdrawal from the HHAP reserve account will require prior HHAC approval in writing.

2. Methodology for Calculating Request for Capitalized Reserves

Note: Some projects may be excluded from eligibility for capitalized reserves. These projects are dependent upon certain funding streams that preclude the accumulation of reserve funds or provide for a financing mechanism to otherwise cover the expenses normally paid for by reserves.

A. The HHAP guideline for annual contributions to the **operating reserve** is calculated as **the sum of:**

- 2.5% of the annual Maintenance and Operations (M&O) budget, including maintenance payroll; **and**
- 1% of the Program Budget (support services payroll, food, program administration).

This figure is called the “Desired Annual Contribution to Operating Reserves.” The objective is to accumulate an operating reserve by the 10th year of operations equivalent to three months or 25% of the annual M&O budget and approximately one month of program expenses. The reserve would ideally be sufficient to manage and maintain the physical plant and meet program payroll during a disruption in the expected operations.

Therefore, the Desired Annual Contribution is multiplied by 10 to determine the “Operating Reserve Goal”.

To the extent that the project revenues are not adequate to allow for the Desired Annual Contribution, and other sources of funding sources for reserves are not available, HHAP funds may be requested to capitalize the deficit in reserves.

The amount of the Operating Reserve Deficit is the difference between the Operating Reserve Goal and the amount actually available for operating reserves, per the proposed operating budget, multiplied by 10. The amount of the Operating Reserve Deficit may be included in the HHAP funding request.

If the calculation does not demonstrate an Operating Reserve Deficit, that sufficient cash flow exists in the budget to accommodate the Desired Annual Contribution, or that other funding is available, HHAP will not entertain funding a capitalized operating reserve.

B. The HHAP guideline for annual contributions to the **replacement reserve** is calculated as follows:

- Projects proposing the development of **less than 25 units** (or beds in a congregate setting), the replacement reserve contribution should be calculated at one half of one percent (.005) of the Total Construction Cost, for projects proposing **new construction**, OR one half of one percent (.005) of the Total Construction Cost **plus** acquisition cost for projects proposing **moderate or gut rehabilitation**. The figure should correspond to the proposed development budget.

- Projects proposing the development **at least 25 units** (or beds in a congregate setting), the replacement reserve contribution should be calculated at \$300 per unit (or congregate bed) per year.

This figure is “Desired Annual Contribution to Replacement Reserves”. The objective is to accumulate a replacement reserve by the 10th year of operations equivalent to \$2,500 per unit for larger projects or 5% of the constructed value (adjusted for the value of site before rehabilitation) for smaller projects.

Therefore, the Desired Annual Contribution is multiplied by 10 to determine the “Replacement Reserve Goal”.

HHAP funds may be requested to capitalize a deficit in reserves, to the extent that the project revenues are not adequate to allow for the Desired Annual Contribution, and other sources of funding sources for reserves are not available.

The amount of the Replacement Reserve Deficit is the difference between the Replacement Reserve Goal and the amount actually available for replacement reserves, per the proposed operating budget, multiplied by 10. The amount of the Replacement Reserve Deficit may be included in the HHAP funding request.

HHAC will not entertain funding a capitalized operating reserve if the calculation does not demonstrate a Replacement Reserve Deficit, that sufficient cash flow exists in the budget to accommodate the Desired Annual Contribution, or that other funding is available.

HHAC reserves the right to fund any reserve request, in whole or in part, in its sole discretion. Any request for reserves must be based upon the methodology above, the availability of other funds, funding priorities, and the availability of HHAP funds.

Please see an example on the following page

Example:
Operating Reserves Calculation
1) 2.5% annual M&O expenses and maintenance payroll of \$80,000
$\$80,000 \times .025 = \$2,000$
2) Add 1% of Program Expenses of \$300,000
$\$300,000 \times .01 = \$3,000$
$\$2,000 + \$3,000 = \$5,000$
3) Multiply by 10 to determine Operating Reserve Goal
$\$5,000 \times 10 = \$50,000$
4) Determine amount actually available for operating reserves per proposed operating budget, multiplied by 10
$\$3,750 \times 10 = \$37,500$
5) Compare amount available with Operating Reserve Goal to determine Operating Reserve Deficit
$\$50,000 - \$37,500 = \$12,500$
Replacement Reserves Calculation
1) A 20-unit project proposing new construction with a total construction cost of \$3,500,000
$\$3,500,000 \times .005 = \$17,500$
2) Multiply by 10 to determine Replacement Reserve Goal
$\$17,500 \times 10 = \$175,000$
3) Determine amount actually available for replacement reserves per proposed operating budget, multiplied by 10
$\$13,000 \times 10 = \$130,000$
4) Compare amount available with Replacement Reserve Goal to determine Operating Reserve Deficit
$\$175,000 - \$130,000 = \mathbf{\$45,000}$

Appendix J - Shelter Allowance Schedule

Local Agency Monthly Shelter Allowance Schedule
without Children
 [child(ren) defined in 18 NYCRR 369.2(c) and 369.5(c)]

FAMILY SIZE	1	2	3	4	5	6	7	8+
Albany	184	213	245	267	289	299	311	341
Allegany	190	220	253	276	299	309	321	352
Broome	218	252	290	316	342	354	368	403
Cattaraugus	179	208	239	261	282	292	304	332
Cayuga	179	208	239	261	282	292	304	332
Chautauqua	167	194	223	243	263	272	283	310
Chemung	197	228	262	286	309	320	333	364
Chenango	189	219	252	275	297	307	320	350
Clinton	156	181	208	227	245	254	264	289
Colombia	191	221	254	277	300	310	323	353
Cortland	199	231	265	289	313	323	337	368
Delaware	200	232	267	291	315	326	339	371
Dutchess	216	251	288	314	340	351	366	400
Erie	169	201	215	234	254	262	273	299
Essex	199	231	265	289	313	323	337	368
Franklin	161	191	212	239	250	259	269	295
Fulton	159	184	212	231	250	259	269	295
Genesee	202	234	269	293	317	328	342	374
Greene	197	229	263	287	310	321	334	366
Hamilton	159	184	212	231	250	259	271	296
Herkimer	173	200	230	251	271	281	292	320
Jefferson	200	232	267	291	315	326	339	371
Lewis	152	177	203	221	240	248	258	282
Livingston	187	217	249	271	294	304	316	346
Madison	199	231	265	289	313	323	337	368
Monroe	257	298	343	374	405	418	436	477
Montgomery	158	184	211	230	249	257	268	293
Nassau	288	334	384	419	453	468	527	561
New York City	215	250	286	312	337	349	403	421
Niagara	174	202	232	253	274	283	295	322
Oneida	179	207	238	259	281	290	302	331
Onondaga	203	235	270	294	319	329	343	375
Ontario	207	240	276	301	326	337	351	384
Orange	229	265	305	332	360	372	387	424
Orleans	202	234	269	293	317	328	342	374
Oswego	183	212	244	266	288	298	310	339
Otsego	200	232	267	291	315	326	339	371

Putnam	237	275	316	344	373	386	401	439
Rensselaer	153	179	193	210	228	235	245	268
Rockland	302	350	402	438	474	490	511	559
St. Lawrence	182	211	242	264	286	295	307	336
Saratoga	185	215	247	269	291	301	314	343
Schenectady	195	226	260	283	307	317	330	361
Schoharie	199	231	265	289	313	323	337	368
Schuyler	194	224	258	281	304	315	328	359
Seneca	204	237	272	296	321	332	345	378
Steuben	159	184	212	231	250	259	269	295
Suffolk	309	358	412	449	486	503	523	573
Sullivan	211	244	281	306	332	343	357	391
Tioga	201	233	268	292	316	327	340	373
Tompkins	217	251	289	315	341	353	367	402
Ulster	263	305	350	382	413	427	445	486
Warren	215	250	287	313	339	350	364	399
Washington	199	231	265	289	313	323	337	368
Wayne	207	240	276	301	326	337	351	384
Westchester	271	314	361	393	426	440	474	536
Wyoming	199	231	265	289	313	323	337	368
Yates	181	210	241	263	284	294	306	335

Local Agency Monthly Shelter Allowance Schedule
with Children
[child(ren) defined in 18 NYCRR 369.2(c) and 369.5(c)]

FAMILY SIZE	1	2	3	4	5	6	7	8+
Albany	214	219	309	348	386	404	421	421
Allegany	190	220	273	308	342	358	373	373
Broome	218	252	290	317	353	368	384	403
Cattaraugus	186	208	269	303	337	352	367	367
Cayuga	201	208	290	326	363	380	396	396
Chautauqua	198	202	285	321	357	374	390	390
Chemung	197	228	283	319	355	371	387	387
Chenango	189	219	264	298	331	346	361	361
Clinton	191	195	275	310	345	360	376	376
Columbia	201	221	290	326	363	379	396	396
Cortland	199	231	281	317	352	368	384	384
Delaware	200	232	274	309	344	359	374	374
Dutchess	286	292	412	464	516	540	563	563
Erie	209	214	301	339	377	395	411	411
Essex	199	231	268	302	336	351	366	368
Franklin	180	191	259	292	325	339	354	354
Fulton	189	193	272	307	341	357	372	372
Genesee	204	234	294	332	369	386	402	402
Greene	197	229	281	317	352	368	384	384
Hamilton	185	189	267	301	335	350	365	365
Herkimer	190	200	275	309	344	359	375	375
Jefferson	200	232	276	311	346	362	377	377

Lewis	193	197	279	314	349	365	381	381
Livingston	213	217	307	346	384	402	419	419
Madison	210	231	304	342	380	397	414	414
Monroe	257	298	343	374	405	420	438	477
Montgomery	196	200	283	319	354	370	386	386
Nassau	308	334	445	501	558	583	608	608
New York City	277	283	400	450	501	524	546	546
Niagara	204	209	294	331	369	385	402	402
Oneida	199	207	287	323	359	375	391	391
Onondaga	210	235	303	341	379	397	413	413
Ontario	213	240	308	347	386	403	421	421
Orange	292	298	421	473	527	551	574	574
Orleans	209	234	302	340	378	395	412	412
Oswego	208	212	300	338	375	393	409	409
Otsego	200	232	280	315	350	366	382	382
Putnam	306	312	441	496	553	578	602	602
Rensselaer	205	210	296	334	371	388	405	405
Rockland	302	350	434	488	543	568	592	592
St. Lawrence	194	211	281	316	351	368	383	383
Saratoga	219	224	316	356	396	414	431	431
Schenectady	216	226	311	351	390	408	425	425
Schoharie	199	231	286	322	358	374	390	390
Schuyler	194	224	275	310	345	360	376	376
Seneca	204	237	288	324	360	376	392	392
Steuben	188	192	271	305	339	354	370	370
Suffolk	310	358	447	503	560	586	611	611
Sullivan	211	244	297	335	372	389	406	406
Tioga	201	233	285	321	357	373	390	390
Tompkins	219	251	317	357	396	414	432	432
Ulster	263	305	350	382	413	427	445	486
Warren	215	250	299	337	375	392	408	408
Washington	205	231	295	332	370	387	403	403
Wayne	209	240	302	340	378	395	412	412
Westchester	295	314	426	479	533	557	581	581
Wyoming	199	231	279	314	349	365	381	381
Yates	198	210	286	322	358	375	391	391

Appendix K - HHAP Standards for Architectural Services Contracts

(Note: more specific details will be provided upon award reservation)

1. Contracts are not time limited.
2. Basic Fee must be per the attached fee schedule. However, HHAC reserves the right to adjust the fee based on the simplicity or complexity of a project, or whether construction management services will be employed. Reimbursable costs must be included in the Basic Fee. This is a **fixed fee** agreement; thus, if reimbursable costs are separate, they must be capped. There are no fees or retainers for signing the contract.
3. HHAP does not pay interest.
4. Distribution of architectural payments is as follows:
 - I. Schematic design submission - **10%**
 - II. Design Development - **20%**
 - III. Construction Documents - **35%**
 - IV. Bidding - **5%**
 - V. Construction Administration - **25%**
 - VI. Issuance of Certificate of Occupancy - **5%**

Note: For I to IV above, progress payments may be released on consultation with HHAC's architectural/ engineering consultant.

5. Reference to arbitration and mediation must be stricken from the agreement and any riders.
6. In New York City, approved self-certification procedures must be included in the Basic Fee.
7. A standard form Full Service Architectural Contract must be used (AIA B102-2017 and AIA B201-2017), with Riders provided by HHAC and/or available on the OTDA website where this RFP is located.
8. Services not included in the base contract that may be construed as additional services should be clearly defined and must be reviewed by and acceptable to HHAC.
9. HHAC owns all drawings, plans and specifications produced.
10. If the use of a Construction Manager is planned, the AIA form used for architectural services must be compliant with the above. Adjustments must be made to decrease the fee for architectural services to reflect the use of a Construction Manager.
11. For joint applications of a non-profit (or its wholly-owned subsidiary) and a for-profit organization as one entity, the architect must be selected by, and contract with, the non-profit or its wholly-owned subsidiary. Such contract may not be assigned without the prior written consent of HHAC.

HHAP Architect Fee Schedule			
Construction Cost Range			Architect's Fee
\$0		\$250,000	15%
\$250,001	-	\$500,000	14%
\$500,001	-	\$750,000	13%
\$750,001	-	\$1,000,000	12%
\$1,000,001	-	\$1,500,000	11%
\$1,500,001	-	\$2,000,000	10%
\$2,000,001	-	\$2,500,000	9.50%
\$2,500,001	-	\$3,000,000	9%
\$3,000,001	-	\$3,500,000	8.75%
\$3,500,001	-	\$4,000,000	8.50%
\$4,000,001	-	\$4,500,000	8.25%
\$4,500,001	-	\$5,000,000	8%
\$5,000,001	-	\$5,500,000	7.83%
\$5,500,001	-	\$6,000,000	7.66%
\$6,000,001	-	\$7,000,000	7.50%
\$7,000,001	-	\$8,000,000	7.25%
\$8,000,001	-	\$9,000,000	7%
\$9,000,001	-	\$10,000,000	6.75%
\$10,000,001	-	\$15,000,000	6.50%
\$15,000,001	-		TBD

Note: The Fee Schedule includes reimbursable expenses. Based on the simplicity or complexity of a project, or whether construction management services are anticipated, HHAC reserves the right to adjust the fee schedule accordingly.

*Fee schedule is based on HHAC funding Architectural Services

Appendix L - Vendor Assurance of No Conflict of Interest or Detrimental Effect

The Applicant offering to provide services pursuant to this Homeless Housing and Assistance Corporation (“HHAC”) RFP, as a contractor, joint venture contractor, subcontractor, or consultant, attests that its performance of the services outlined in this RFP does not and will not create a conflict of interest with nor position the Applicant to breach any other contract currently in force with the State of New York.

Furthermore, the Applicant attests that it will not act in any manner that is detrimental to any State or HHAC project on which the Applicant is rendering services. Specifically, the Applicant attests that:

1. The fulfillment of obligations by the Applicant, as proposed in the RFP response, does not violate any existing contracts or agreements between the Vendor/ Applicant and the State or HHAC;
2. The fulfillment of obligations by the Applicant, as proposed in the RFP response, does not and will not create any conflict of interest, or perception thereof, with any current role or responsibility that the Applicant has with regard to any existing contracts or agreements between the Applicant and the State or HHAC;
3. The fulfillment of obligations by the Applicant, as proposed in the RFP response, does not and will not compromise the Applicant’s ability to carry out its obligations under any existing contracts between the Applicant and the State or HHAC;
4. The fulfillment of any other contractual obligations that the Applicant has with the State or HHAC will not affect or influence its ability to perform under any contract with the State resulting from this RFP;
5. During the negotiation and execution of any contract resulting from this RFP, the Applicant will not knowingly take any action or make any decision which creates a potential for conflict of interest or might cause a detrimental impact to the State or HHAC as a whole including, but not limited to, any action or decision to divert resources from one State or HHAC project to another;
6. In fulfilling obligations under each of its State contracts, including any contract which results from this RFP, the Applicant will act in accordance with the terms of each of its State or HHAC contracts and will not knowingly take any action or make any decision which might cause a detrimental impact to the State or HHAC as a whole including, but not limited to, any action or decision to divert resources from one State or HHAC project to another;
7. No former officer or employee of the State who is now employed by the Applicant, nor any former officer or employee of the Applicant who is now employed by the State, has played a role with regard to the administration of this contract procurement in a manner that may violate section 73(8)(a) of the State Ethics Law; and
8. The Applicant has not and shall not offer to any employee, member or director of the State any gift, whether in the form of money, service, loan, travel, entertainment,

hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director.

Applicants responding to this RFP should note that the State and HHAC recognize that conflicts may occur in the future because an Applicant may have existing or new relationships. HHAC will review the nature of any such new relationship and reserves the right to terminate the contract for cause if, in its judgment, a real or potential conflict of interest cannot be cured.

Name and Title (Please Print) _____

Signature and Date: _____

Note: This form must be signed by an authorized executive or legal representative.

Appendix M - Executive Order No. 190

Incorporating Health Across All Policies into State Agency Activities

Per Executive Order 190, this RFP incorporates the New York State Prevention Agenda and the World Health Organization (WHO) Eight Domains of Livability to further the Health Across All Policies initiative.

The New York State Prevention Agenda is the blueprint for action to improve the health of New Yorkers and become the healthiest state for people of all ages. The five priority areas of the New York State Prevention Agenda are:

1. Preventing Chronic Diseases
2. Promoting a Healthy and Safe Environment
3. Promoting Healthy Women, Infants and Children
4. Promoting Well-Being and Preventing Mental Health and Substance Use Disorders
5. Preventing Communicable Diseases

The WHO Eight Domains of Livability include:

1. Outdoor Spaces and Buildings
 - o Providing safe, accessible places for the public to gather indoors and out. Ensuring that parks, sidewalks, safe streets, outdoor seating, and accessible buildings can be used and enjoyed by people of all ages.
2. Transportation
 - o Increasing the accessibility, availability, and affordability of public transit options, as well as ensuring safe roadways.
3. Housing
 - o Expanding affordable housing options for varying life stages, and enacting programs that help people remain in their homes longer to age in place.
4. Social Participation
 - o Increasing access to affordable and community-based social activities can help address loneliness and isolation.
5. Respect and Social Inclusion
 - o Increasing the availability of intergenerational activities and programs.
6. Civic Participation and Employment
 - o Provide ways that all people, including older people, can, if they choose to, work for pay, volunteer their skills, and be actively engaged in community life.
7. Communication and Information
 - o Providing information through a variety of means and in a culturally competent manner, recognizing that not everyone has a smartphone or internet access.
8. Community and Health Services
 - o Ensuring accessible and affordable health services in every community.

The Health Across All Policies initiative is a collaborative approach that integrates health considerations into policymaking across all sectors to improve community health and wellness. To successfully improve the health of all communities, health improvement strategies must target social determinants of health and other complex factors that are often the responsibility of non-health partners such as housing, transportation, education, environment, parks, and economic development.

Consistent with Executive Order 190, where requested in this RFP, applicants must describe how their proposals can improve community health and wellness through alignment and coordination with the New York State Prevention Agenda priorities and the WHO Eight Domains of Livability.

Appendix N - Executive Order No. 22

Advancing environmental protections and sustainability with an emphasis on disadvantaged communities

This Executive Order 22 (EO 22) requires the creation of a multi-agency GreenNY Council (the Council) that will be responsible for implementation of the EO's provisions, setting the new standards required by the EO, and monitoring compliance.

EO 22 requires that the Council set new standards for procurement when most agencies, authorities and public benefit corporation are:

- Procuring under existing contracts;
- Developing new solicitations and contracts for the procurement of commodities, services and technology; and
- Developing new public works solicitations and contracts.

In setting the new procurement standards, the Council must consider 14 broad factors relating to environmental protection, public health, disadvantaged communities, costs and existing legal and regulatory requirements.

EO 22 directs changes to the requirements, standards and/or goals in the following areas of construction and development:

- Construction materials;
- Permitting/approval processes;
- Reduction in: energy, greenhouse gas, electricity, waste and toxic substance use;
- Evaluation of climate risk;
- Promoting biodiversity and habitat protection;
- Efforts for training and outreach on procurement changes including specifically to MWBE and SDVOB business to inform them of the new requirements; and
- Environmental impact on disadvantaged communities.

The entire Executive Order can be found here: [No. 22: Leading by Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program | Governor Kathy Hochul \(ny.gov\)](#)