



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

THE BALTIMORE CITY
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
AFFORDABLE HOUSING TRUST FUND

NOTICE OF FUNDING AVAILABILITY GUIDELINES

FOR THE NEW CONSTRUCTION/PRESERVATION OF EXISTING RENTAL HOUSING

April 27, 2022

Public Notice to Owners and Developers

Alice Kennedy
Housing Commissioner

1. INTRODUCTION

Through this Notice of Funding Availability (the “NOFA”), the Baltimore City Department of Housing and Community Development (“DHCD”) is making up to \$6 million available from the Affordable Housing Trust Fund (“Trust Fund”) to support new construction of affordable rental housing and/or rehabilitation of existing rental projects for affordable housing. This NOFA includes a designation of 10% for emerging developers, who are defined as: Developers who have completed at least three (3) and no more than five (5) projects. Emerging developers will be eligible to use Affordable Housing Trust Fund awards to support operating costs associated with their project.

The Department is seeking projects that are impactful and that will leverage additional investment. Applicants must be able to demonstrate that they met all State and established organizational standards associated with the new construction and/ or preservation of existing affordable rental projects as further described in this NOFA.

In order to be considered for funds, applicants must demonstrate that they have the capacity to complete and occupy projects within two (2) years of executing a Funding Agreement including securing site control and committed sources of funding and that their project meets or will meet all applicable City, State, and Federal rules and regulations.

The Trust Fund was established to support the housing needs of the City’s low and very-low income households. Spending requirements, established under Article I, Section 14 of the City’s Charter compels that all Trust Funds be spent on housing and housing related activities for households earning 50 percent or less of Area Median Income (“AMI”) as defined by the Department of Housing and Urban Development (“HUD”), and that at least half of the available Trust Fund are spent on households earning 30 percent or less of the AMI. Additional information about the Trust Fund can be found at: <https://dhcd.baltimorecity.gov/nd/affordable-housing-trust-fund>. This NOFA seeks to make funds available that support DHCD’s community development goals and strategies outlined in its Framework for Community Development, which can be found at: <https://dhcd.baltimorecity.gov/m/community-development-framework>, and to integrate affordable units as part of broader mixed-income housing strategies. The 2021 Area Median Income can be found at: <https://www.hudexchange.info/programs/home/home-income-limits/>

To be considered for an award of funds, applicants will be required to meet the Threshold Requirements as further specified in this NOFA and to receive a minimum score of 105 points. Scoring will be based on project feasibility, community engagement, and achieving equity. Applicants may choose to qualify for Bonus Points.

Applications will be reviewed by an interagency panel comprised of City representatives. Recommendations for awards will be provided to the Housing Commissioner who, at their discretion, makes the final decision.

Further information and guidance regarding eligible applicants, application requirements and scoring are included in these guidelines. Prospective applicants are encouraged to read this document thoroughly, attend the information session and to submit questions.

2. ELIGIBLE APPLICANTS

This NOFA is limited to applicants that are either a Non-Profit, For-Profit or Joint Ventures that are seeking funds for the new construction-rental and/or preservation of existing rental. Eligible applicants should be able to demonstrate the following:

- Articles of Incorporation expressly documenting the primary purpose of the organization and By-Laws that, at a minimum, establish terms for the board of directors, officers, stewardship, conflicts of interest, ownership and resale limitations, and dissolution.

3. FUNDING LIMITS

Eligible applicants can request a maximum of \$1,000,000 per project. Applicants may submit more than one request for funds but will be required to rank projects in priority order and will also need to demonstrate the organizational capacity to implement projects. Applicants that request funds for multiple projects in the same community will be required to demonstrate these projects support a community plan or other strategic revitalization initiative, and to provide market data supporting the need for long term affordability. Market data will be required during the underwriting process. Additionally:

- Trust funds can be used to fund up to 33% of a project's Total Development Cost or a maximum of \$1,000,000 per project, whichever is less
- Subject to the cap stated above the maximum request per unit is \$20,000 for fewer than 10 units and \$50,000 for projects with 10 or more units for households earning 50% AMI (Area Median Income), adjusted for family size.
- Subject to the cap stated above the maximum request per unit is \$120,000 for fewer than 10 units and \$150,000 for 10+ units for units at 30% AMI, adjusted for family
- Up to 25% of the total requested amount of funds can be used for predevelopment and acquisition costs combined. If funds will be used for acquisition cost, proof of site control will need to be presented at the time of request. Documentation can include a copy of the deed of the property, a copy of the sales contract and an executed land disposition agreement.
- Up to 10% of the total requested amount of funds can be used for operating costs directly related to the project's implementation.

4. ELIGIBLE USES OF FUNDS

Funds can be requested to support predevelopment and construction costs, provided that the request does not exceed the maximum stated in the Funding Limits section of this NOFA. Eligible uses of funds include:

- Construction and or rehabilitation
- Demolition
- Stabilization of non-City-owned properties
- Acquisition of multi-family buildings with at least three (3) units
- Architectural and Engineering
- Environmental assessment and testing
- Market and Financial Feasibility Analysis
- Carrying Costs
- Legal Fees associated with closing, financing, and drafting legal documents necessary for development
- Customary Landscaping
 - ▶ Parking, Infrastructure, and utilities
 - ▶ Mixed-use buildings that include ground floor retail
 - ▶ Trust funds can be requested for residential units only

5. INELIGIBLE USES OF FUNDS

Funds may not be used for the following:

- Acquisition of City-Owned Properties
- Acquisition of properties through Receivership
- Acquisition of properties through Tax sale
- Staff that are not directly related to predevelopment, construction, or maintenance of the project
- General operating costs such as rent, utilities, or operating supplies
- Relocation
- Repayment of existing loans or liens
- Community gardens or urban agriculture uses
- Projects that support a specific religious or other affiliation
- Commercial, retail, or economic development uses
- Costs associated with the preparation of this NOFA submission

6. PRE-PROPOSAL CONFERENCE & ADDITIONAL QUESTIONS

DHCD will hold a pre-proposal conference on May 4, 2022, from 5 p.m. to 6:30 p.m. EST. The meeting can be accessed using the link or the call-in information provided below.

Video Address: 23413610368@bmore.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference:

United States Toll - +1-408-418-9388 - Access code: 2341 361 0368

<https://bmore.webex.com/bmore/onstage/g.php?MTID=e2cab8f0764279bd5a25a2d0fa47c5da5>

Additional questions regarding the NOFA can be submitted by email to: DHCD.AHTFNOFA@baltimorecity.gov through May 6, 2022. Please be advised that questions not submitted electronically or by the May 6 deadline will not be answered. Responses will be posted on DHCD's website by May 16, 2022.

SCHEDULE

Event	Date
Post NOFA	April 27, 2022
Pre-proposal Conference	May 4, 2022
Submission Deadline	June 10, 2022
Review and Scoring of Submissions	June 13 - July 15, 2022
Notification of Awards	Week of August 1, 2022

7. APPLICATION, SCORING AND BONUS POINTS

The NOFA consists of four parts: Threshold information, financial review, scored criteria and signed certifications and authorizations.

Following the submission deadline, DHCD staff will provide a summary of all applications received that includes the following: applicant name, proposed project, location and units, project total development cost, amount of Trust Funds requested. This summary will be posted on DHCD's website at:

<https://dhcd.baltimorecity.gov/nd/affordable-housing-trust-fund>.

8. THRESHOLD REVIEW

Threshold review includes organizational, financial and compliance-related documentation and is used to determine whether an application is eligible for review. Examples of threshold requirements in this NOFA include, but are not limited to: Commitment to comply with the City's Minority and Women's Business Participation (MBE/WBE) and Local Hire requirements; being in good standing with the State of Maryland and meeting the Trust Fund requirements. Applicants must include all items on the threshold checklist or the application will be determined to be ineligible for review. DHCD will notify applicants electronically whether their application has met threshold review and will post an updated summary on its website.

The following documents will be required for threshold review:

- Authorization to Submit signed by a member of the lead applicant who is authorized to negotiate with the City and to sign a Funding Agreement
- Certification of Compliance
- Owned Property Disclosure
- Financial and organizational disclosures
- Completed and signed application

9. AFFORDABILITY RESTRICTIONS

All units funded through the Trust Fund must restrict leasing and occupancy of those units for a period of at least 30 years to those households that have incomes that do not exceed 50% of the AMI.

10. LOCAL HIRING PLAN

All submissions must include a Local Hiring Plan that details how residents who live in the community where the proposed project is being built will have access to jobs and how individuals with barriers to employment, including citizens returning from incarceration, will be recruited, provided training and other efforts towards affirmatively hiring. Applicants seeking hiring-related bonus points should document how they will meet work hours related to construction and new hires from apprenticeship programs.

11. CITY PREVAILING WAGE RATES

The City's Prevailing Wage Law requires that for construction contracts in excess of \$5,000, every mechanic, laborer or apprentice shall be paid at a rate not less than the prevailing hourly wage rate established by the Board of Estimates and set forth in the City Code, Article 5, Subtitle 25, Section 25-2. No hourly employee other than an apprentice shall be paid less than the lowest classification for the project. The applicant's contractor must post the prevailing wage or face fines of \$20 per day per section 25-5 of Article 5, Subtitle 25 of the City's Code. If an employer does not pay the prevailing wage, a contractor must make restitution and pay a fine of \$50 per day that the employee was underpaid per Section 25-7 of Article 5, Subtitle 25 of the City's Code. The contractor must maintain payroll records and preserve them for three (3) years as per the Code provision and submit project payrolls for themselves and their subcontractors to DHCD and to the City's Wage Commission.

Late submissions are subject to a fine of \$10 per day per Section 25-9 of Article 5, Subtitle 25 of the City's Code. 2021 Prevailing Wage rates can be found at:

<https://civilrights.baltimorecity.gov/sites/default/files/2020%20APPROVED%20PREVAILING%20WAGE%20RATES.pdf>

12. GREEN BUILDING AND SUSTAINABILITY REQUIREMENTS

Applicants are required to comply with the City's Green Construction Law. See Part XI of the Baltimore City Building, Fire and Related Codes for more information: <https://ca.baltimorecity.gov/codes/Art%2000%20-%20Bldg,%20Fire.pdf>. Only 1 and 2 family dwellings and certain multi-family projects are exempt from the Green Construction Law. All multi-family dwellings must complete a Green Construction Statement of Compliance to determine whether the Green Construction Law is applicable to the project. Applicants may contact **Katy Byrne** at **410-396-4140** or by email at Kathleen.byrne@baltimorecity.gov for additional information regarding the City's Green Construction Requirements.

13. DEMOLITION

Any demolition that is a part of the housing project must comply with federal, state, and local demolition laws, regulations and applicable industry standards governing public health and safety in demolition.

14. UFAS/ACCESSIBLE UNITS REQUIREMENTS

Federal law requires that at least five percent (5%) of all units in the project must fully comply with the Uniform Federal Accessibility Standards (UFAS) requirements for persons with mobility impairments and at least two percent (2%) of all the units must fully comply with the UFAS requirements for persons with hearing or vision impairments (§8.22 of Section 504 of the Rehabilitation Act of 1973). All projects must comply with construction requirements of both the Fair Housing Act and the Americans with Disabilities Act (ADA), as applicable.

All UFAS Units should be integrated throughout the project and should not be concentrated in any particular building or area.

All units must be certified as compliant with UFAS requirements by an architect acceptable to the Department of Justice at the Developer's expense.

15. SCORING CRITERIA

Applications that meet all Threshold criteria will be scored and evaluated according to the following criteria: project feasibility; community engagement and participation and achieving equity. Scored criteria is intended to ensure that awards are made to proposals that meet the Trust Fund's criteria and have a demonstrated impact on reducing the housing burden for the City's low and very-low income households, can leverage other sources of funds, can meet City, State and private lenders' underwriting criteria, and can be completed within a reasonable timeframe.

Qualified applications may receive a maximum score of 170 points. To be considered for an award of funds, applicants must receive a minimum score of 105 points. Applications will be reviewed and scored by panel members and then a composite score will be determined.

16. PROJECT FEASIBILITY (68 maximum points)

This section enables DHCD to determine whether projects are ready to proceed and that the applicant has the experience, staff and consultants in place to ensure a successful outcome. The requested information must demonstrate that projects are ready to proceed and can be completed within a 24-month time frame of executing a Funding Agreement with DHCD.

Applicants are asked to demonstrate that their projects are financially feasible, that the applicant has the capability of leveraging additional public and or private funds and that they have the capability to manage a development team with sufficient experience to undertake and complete the proposed project. As part of demonstrating a project's feasibility, applicants are required to submit a development budget which lists all funding sources and uses needed to complete the proposed project and the status of the funds (e.g. Committed/ approved, pending, not yet requested).

Applicants must submit letters of interest or letters of commitment from all participating funding sources including the State, private foundations, investors, construction and permanent lenders in the event funds are requested to support rental equity or tenant conversion projects. The applicant must specify the intended property management company for the project and include a detailed list of the management company's qualifications, track record, and demonstrated capacity to manage the proposed project.

Applicant Team Qualifications. The project team experience will be reviewed and scored in the application review. Please provide resumes for the project leaders and principle contributors that include background information when applicable for similar projects completed.	25
Financial Feasibility. The financial statements, pro-forma and other financial background documentation will be evaluated and scored. The score for this section will be based on the projected ability to complete the proposed project effectively.	43

Construction budgets should include a line item for builder's profit, overhead, construction management. Administration and reimbursable costs for architecture and engineering should be included as separate line items. Construction costs should reflect prevailing wage rates for all employees including City Prevailing Wage rates as specified above.

In the event funds are requested for an existing occupied building, the pro-forma must also include the following: current debt structure, operating subsidies, supportive services being provided, current occupancy status of units and rents including the AMI of tenants and the portion of rent paid.

In the event funds are requested for personnel and/or consultants, applicants will also be required to submit a personnel budget as well as a list of all consultants, their role, hourly rate and total estimated fee. Applicants should include a site plan, showing the proposed location of the project, amenities, and sustainability features if requesting as a bonus point. The site plan should indicate current parks and green spaces.

17. SITE CONTROL

Applicants must be able to demonstrate at the time of submission that they have a reasonable expectation of obtaining site control prior to closing on City funding. Documentation can include a copy of the deed to the property, a copy of the sales contract, an executed land disposition agreement or in the case of land being sold by Baltimore City, a letter of intent to purchase the property from HCD. Other evidence may be accepted at the sole discretion of the review committee.

At the time of submission, applicants must be able to demonstrate development approvals required for the project such as: zoning changes, site plan review, street and alley closings and demonstrate that they have had a predevelopment meeting with the Department of Planning. Evidence of the predevelopment meeting must include a copy of the Planning Department Pre-Development meeting request form, a copy of the sign-in sheet and meeting minutes. Meetings can be scheduled by contacting Eric Tiso at eric.tiso@baltimorecity.gov. Other documentation can include but is not limited to: a copy of a filed Board of Municipal Zoning Appeals (BMZA) application, Site Plan Review Committee (SPRC) approval, or a Zoning Certification letter from the City Zoning Administrator. In the case of required legislation or public hearings, applicants must demonstrate a reasonable expected timeline for bill introduction and/or hearing schedule. Other documentation may be accepted at the sole discretion of review committee.

18. COMMUNITY ENGAGEMENT AND PARTICIPATION (25 maximum points)

DHCD is committed to ensuring that development projects:

- Are consistent with and can leverage revitalization plans for the community where the project will be built,
- Support goals stated in the City’s Framework for Community Development,
- Provide multiple opportunities for a range of stakeholders to provide input, regardless of their support,
- Provide evidence and a schedule for community ownership and control.

Points will be awarded for projects that meet the following criteria:

Neighborhood participation in project ownership and control. Points will be awarded when neighborhood residents have a role in the ownership and/or control of: (a) the development project, (b) a development entity that must approve major project decisions and may acquire the property, and (c) an entity that provides ongoing stewardship of the development.	5
Compatibility with Existing Community Plans and/or Revitalization Strategy. Points will be awarded when the proposed project is compatible with existing, comprehensive community development plans and/or the City’s Framework for Community Development.	10
Community Engagement Plan. Points will be awarded to projects that provide multiple opportunities for a range of stakeholders to provide meaningful input into the project.	10

19. ACHIEVING EQUITY (25 maximum points)

DHCD is committed to using Trust Funds to reduce the financial, social and economic disparities that have affected many of the City’s neighborhoods and residents over the past several decades. To that end, applications will be scored based on location, supporting blight elimination (i.e. demolition and/or rehab), providing priority to returning residents and supporting and building residents’ ability to create equity and wealth.

Race Equity in Geographic Areas. Recognizing the importance of race equity to development in Baltimore City, points will be awarded to projects that are located in one of the following areas: (a) Communities of Opportunity as defined by the Maryland State QAP for Low-Income Housing Tax Credits, (b) Impact Investments Areas as defined in the DHCD Community Development Framework, or (c) other major revitalization areas as justified by the applicant.	12
Opportunities for Returning Residents. Points will be awarded to projects that prioritize affirmative marketing to and placement of tenants who were previously residents of the neighborhood in which the project will be located.	6
Supports Blight Elimination. Points will be awarded to projects that eliminate blight and/or other dangerous or unsafe hazards in the neighborhood in which the project will be located.	7

20. BONUS POINTS

Applicants may choose to apply for bonus points from any of the following categories and may be awarded full or partial points in any one category:

- Long Term Affordability (up to 10 points). Ten points will be awarded to projects that agree to maintain their affordability restrictions in perpetuity, i.e. (for at least 99 years), through a deed restriction or other legally enforceable means. Five points will be awarded to projects that agree to maintain their affordability restrictions for at least 40 years through a deed restriction or other legally enforceable means.
- Supports & Grows Local Businesses (4 points). Applicants are required to demonstrate how their project will support and sustain local businesses. Responses should specify local vendors who will be used, how efforts will be tracked and monitored and any documentation evidencing agreements to utilize local establishments.
- Serves Households at or below 30% AMI (10 points). Points will be awarded to projects that have a significant number of units (up to 25% of total project units) restricted to serve households with incomes at or below 30% AMI.
- Provides Services for Permanent Supportive Housing (5 points). Full points will be awarded to projects that incorporate permanently supportive housing for some portion of the total project units including a detailed plan identifying the qualified entity committing to provide the supportive services as well as the specific services to be offered to fully support households that have been homeless or require other significant accommodations.
- Takes Advantage of Apprenticeships and Training programs (3 points). Applicants are required to provide a plan for utilizing training and apprenticeship programs and to include a letter of intent from the provider. As a condition for receiving funds, applicants will be required to provide an executed Memorandum of Understandings or comparable agreement with the provider.
- Collaboration Across Multiple Neighborhoods (2 points). Applicants are required to provide documentation that their project impacts multiple neighborhoods, how this helps to achieve economies of scale, and how multiple stakeholders are working collaboratively to achieve outcomes.

- Local Hiring Criteria-Select One Option Only. (up to 7 points). Applicants are required to sign and include a local hiring certification with their submission that must be approved by DHCD or its designee. Project applicants must agree to periodic reporting to and monitoring by DHCD or its designee. Project applicants must take all reasonable and necessary steps to achieve plan outcomes. Failure to achieve plan outcome may disqualify the applicants from future funding rounds or result in other default. Applicants are required to provide a strategy detailing how they will achieve the selected goals. Strategies should detail how residents will be identified, types of jobs anticipated to be available and measures that will be taken to ensure success. The plan should affirmatively seek out individuals with barriers to employment such as a criminal record for appropriate positions. Points will be awarded on the scale specified below to projects whose plans have the following outcomes:
 - ▶ 70 percent of hours related to construction are provided by City residents, and 51 percent of new hires are from apprenticeship programs (7 points).
 - ▶ 50 percent of work hours related to construction are provided by City residents, and 35 percent of new hires are from apprenticeship programs (5 points).
 - ▶ 30 percent of work hours related to construction are provided by City residents, and 20 percent of new hires are from apprenticeship programs (3 points).
- Environmental Sustainability (3 points). Points will be awarded to projects that include a significant plan for environmental sustainability such as deconstruction and debris materials recovery, construction techniques that will reduce impervious surfaces or the carbon footprint, passive housing, urban agriculture, composting or other sustainability initiatives. Site plans should indicate the location of planned programs.
- Developer Fee deferral (10 points). Bonus points will be awarded to projects that defer 10% or more of the development fee.

21. REVIEWING AND AWARDING FUNDS

Applications will be reviewed by an inter- agency committee with experience in affordable housing, development and finance. Applications that meet threshold criteria will be reviewed, scored and ranked by the committee who, at their discretion, may submit written requests for additional information or tour the proposed project sites. Based on the number of applications awarded, the committee can recommend that an applicant receive less funds than requested.

During the review process, questions regarding announcements shall only be directed via email to:

DHCD.AHTFNOFA@baltimorecity.gov applicants are prohibited from contacting specific members of the committee or the Affordable Housing Commission. Those who do, will be disqualified for review.

The committee will provide recommendations to the Deputy Commissioner who will review and submit to the Housing Commissioner. The Housing Commissioner, at his sole discretion, shall have the ability to determine final awards.

All applicants will be notified by phone and in email whether their application will be receiving an award of funds.

Applicants who did not receive an award of funds, may submit a written request for a debriefing. During the debriefing staff will review the submission and panel's recommendations.

Following written notification, DHCD will post a final list of applications, scores, ranking and amount of trust funds awarded.

22. CONFLICTS OF INTEREST

Applicants will be required to disclose any conflicts of interest regarding the project that they their staff, consultants, boards of directors, contractors or subcontractors may have. DHCD reserves the right as part of the application and award process to request additional information regarding conflicts of interest.

23. UNDERWRITING AND AVAILABILITY OF FUNDS

Following written notification of an award, DHCD staff will schedule an initial meeting with the applicant to review the schedule and how funds will be made available. During this meeting staff will review the Agency's underwriting requirements and will work with the applicant to develop a project schedule. As part of its requirements, DHCD will take a secured lien position in the project. The terms of the lien position will be included as part of the funding discussion.

Applicants will be required to submit a market study demonstrating the housing needs for low-income households who will be served by the project. The market study must have been completed no more than 9 months prior to executing a Funding Agreement. All funds must be committed before DHCD issues its commitment letter which will describe all terms and conditions under which funds will be made available.

Applicants are advised that no funds shall be made available until such time as the Board of Estimates has granted approval and transactional documents have been issued by the Department.

24. ADMINISTRATIVE INFORMATION

Revisions and Addenda

Should it become necessary to revise any part of this application and/ or guidelines or provide additional information necessary to adequately interpret the provisions and requirements, shall be posted on DHCD's website. Revisions and Addenda will not be provided on an individual basis, therefore all interested applicants are encouraged to review the website periodically at: <https://dhcd.baltimorecity.gov/nd/affordable-housing-trust-fund>

Award Amounts

Final awards are determined by the Housing Commissioner. DHCD reserves the right to make an award of funds in an amount other than what is requested in the NOFA. All awards are subject to final underwriting by DHCD and approval by the City's Board of Estimates.

Incurring Expenses

Neither the City of Baltimore nor DHCD will be responsible for any cost incurred by any applicant in preparing and submitting an application in response to this NOFA.

Compliance with Law

By submitting an application, applicants agree that they will comply with all Federal, State and City laws, rules, and regulations and ordinances applicable to its activities and obligations under this program.

Public Information Act Notice

DHCD commits to handling all information regarding financial assets in strictest confidence. Applicants should give specific attention to identifying any portions of their application that they deem to be confidential, proprietary or trade secrets and provide justification why such material should not be disclosed by DHCD under the Maryland Public Information Act SS 1-601 et seq. of the State Government Article, Annotated Code of Maryland upon request by the public.