

NOFA Application



Applicant Information

Legal Name of Borrowing Entity:

Date Application Submitted:

Applicant Organization Name:

Contact Name:

Contact email address:

Contact phone:

Mailing Address:

Federal Tax ID Number (borrowing entity):

Borrowing entity registered with System for Award Management (SAM.Gov)?

Organization registered with System for Award Management?

Applicant Organization Type

Developer Name (if different from applicant organization):

Contact Name

Contact Email Address

Contact Phone Number

Mailing Address

Federal Tax ID Number

Is any member of the development team (applicant, developer, management company) a party to any active legal or court action related to fair housing?

If yes, upload narrative regarding the action and status.

Has any member of the development team (including architect, contractor, management company) or the principals thereof been associated with a defaulted development or one that has been found to be in non-compliance with any federal, state, or local grant or loan program requirements in the last 5 years?

Project Information

Project Type:

Project Name:

Project Address(es):

City Council District:

Will the applicant partner with a public entity in order to receive partial or full ad valorem tax exemption?

If yes, public partner name:

Will there be a ground lease?

If yes, lessor name:

Provide a brief summary of the project (A more complete narrative must be uploaded with the application):

Does the applicant have site control?

Method of Site Control

New Construction and Substantial Improvement Requirements Only

Which HUD Green & Resilient Building Standard does the project intend to meet?

Which energy efficiency standard does the project intend to meet?

Rehabilitation Only

Is the rehabilitation project considered substantial as defined in the NOFA?

If No, the project must adhere to HUD Green Building Retrofit Checklist as described in Section 3.3.2 in the NOFA

Site Information

Briefly describe the property location, neighborhood, access to services such as schools, health care, transportation, and recreational facilities.

Briefly describe the existing property condition, including access to utilities.

Property Flood Zone (FEMA FIRM) Designation:

***Properties located in a flood hazard area are not eligible for funding under this NOFA**

Zoning

What is the current zoning of the development site?

Is a zoning change required? **(if yes, next 2 questions are required)**

If yes, what is the proposed zoning?

Has a zoning change application been submitted?

Known Environmental Conditions

To the best of your knowledge, do any of these situations apply to the proposed development/ development site? Select all that apply:

How many individuals and/or businesses will be relocated?

Permanent:

Temporary:

Have General Information Notices (GIN) been provided to the affected individuals and/or businesses prior to submitting this application?

***If relocation is required, the GIN is required for the application.**

Project Financing Information

Target Population(s)

Proposed unit mix

	30%	40%	50%	60%	70%	80%	MKT	Total
0 BR								
1 BR								
2 BR								
3 BR								
4 BR								
Total								

Project Financing

Has the applicant, developer, or project received any disaster-related financial assistance or other benefits for the same loss or need addressed by this project?

If yes, how much was received for the project?

If yes, what was the source of the benefit:

If financing includes housing tax credits, have they been applied for or awarded?

Bonds + 4% LIHTC

Applied

Awarded

If no, anticipated application date:

9% LIHTC

Applied

Awarded

If no, anticipated application date:

***Documentation regarding financial benefits and awards previously received must be provided with the application.**

Total Development Cost**Sources**

1 st Mortgage	
CDBG-DR	
LIHTC Equity	
Deferred Developer Fee	
Other	
Other	
Other	
Other	
Other	
Total Sources	

Uses

Acquisition	
Hard Construction Costs	
Construction Interim Costs	
Soft Costs/Professional Fees	
Financing Costs	
Relocation	
Reserves	
Developer Fee	
All other	
Total Uses	

ACKNOWLEDGEMENT AND CERTIFICATION OF HUD REGULATORY REQUIREMENTS FOR CDBG-DR FUNDS

Any contract resulting from an award of CDBG funds will be subject to the following federal requirements as applicable:

Environmental Review

All projects will need to have an environmental review completed in accordance with the National Environmental Protection Act (NEPA). The scope of the environmental review will depend on the nature and size of the project. If the project requires an environmental assessment (EA) level review as defined in HUD regulations, the City may need to incur costs related to the completion of the EA. If this is the case, the cost will be passed on to the applicant as a project cost. Once the application is received, the applicant cannot take any choice limiting actions until the EA is complete. Choice limiting actions include the acquisition of property, beginning construction activities, signing binding contracts, etc. If a choice limiting action is taken without the EA being completed, it will disqualify the project from federal funding.

Important for Projects Involving Acquisition: HUD only allows the use of purchase and sale contracts conditioned on completion of the environmental review for existing multi-family housing development. The applicant may enter into a purchase option on these projects if the option agreement meets the standards of Part 58.22(d). (Applicants will need to work with City staff to ensure that the option agreement meets the requirements of Part 58.22(d)). Regulations at 24 CFR Part 58.22 make it clear that a recipient, any participant in the development process (including public or private nonprofit or for-profit entities) or any of their contractors may not commit HUD or non-HUD funds on a project until the environmental review process has been completed, the Request for Release of Funds (RROF) submitted to HUD and related Authority to Use Grant Funds (AUGF), is received from HUD, if needed. The City may request that applicants submit a Phase I environmental, or other related studies, if applicable.

Duplication of Benefits

Applicants must certify that CDBG-DR funds will not duplicate assistance received from other sources for the same purpose, including:

- FEMA, SBA, insurance, or other federal/state/local disaster recovery programs.
- Private donations or other grants.

Applicants must:

- Disclose all funding sources received or anticipated for the project.
- Use CDBG-DR funds only for unmet needs.
- Agree to repay any duplicated assistance if identified.

Fair Housing

Applicant must comply with federal, state, and local laws that prohibit housing discrimination based on race, color, religion, sex, disability, familial status, and national origin. The City of Fort Worth also prohibits discrimination based on age. Developers working within Fort Worth city limits must comply with these protections in all housing transactions.

Affirmative Marketing

All projects with five (5) or more units must adopt affirmative marketing procedures in compliance with federal and City policy. An affirmative marketing plan must be provided on HUD form HUD935.2A. The plan must, to the greatest extent possible, establish a process to attract eligible persons without regard to race, color, national origin, sex, religion, familial status or disability. The plan must also include steps to inform and solicit applications from persons in the housing market area who are not likely to apply without such special outreach.

Relocation Assistance and Property Acquisition Requirements

All projects funded with CDBG-DR are subject to the relocation and acquisition requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, and implementing regulations at 49 C.F.R. Part 24; Section 104(d) of the Housing & Community Development Act, as amended, and implementing regulations at 24 C.F.R.

Part 42; and 24 C.F.R. 570.606. The Contractor must comply with the City's Anti-Displacement and Relocation Assistance Plan on file.

Section 504

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving Federal financial assistance. HUD regulations implementing Section 504 contain accessibility requirements for rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities (24 CFR Part 8).

Under the **Substantial Alterations** category, Section 504 requires that if alterations are undertaken to a housing project that has 15 or more units, and the rehabilitation costs will be 75 percent (75%) or more of the replacement cost of the completed facility, then such developments are considered to have undergone "substantial alterations" (24 CFR Part 8.23 (a)). For substantial alterations of multifamily rental housing, the accessibility requirements contained in 24 CFR Part 8.22 must be followed—a minimum of 5 percent (5%) of the dwelling units in the project (but not less than one unit) must be accessible to individuals with mobility impairments, and an additional 2 percent (2%), at a minimum (but not less than one unit), must be accessible to individuals with sensory impairments.

Under the **Other Alterations** category, structures that do not meet the regulatory definition of substantial alterations must, to the maximum extent feasible, make the dwelling units accessible to and usable by individuals with disabilities, until a minimum of 5 percent (5%) of the dwelling units (but not less than one unit) are accessible to people with mobility impairments, unless HUD prescribes a higher number pursuant to 24 CFR Part 8.23(b)(2). If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, then the entire dwelling unit shall be made accessible. For this category of rehabilitation, the additional 2 percent (2%) of the dwelling units' requirement for individuals with sensory impairments does not apply. Alterations to common spaces must, to the maximum extent feasible, make those areas accessible. An applicant is not required to make a dwelling unit, common area, facility or element accessible, if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project (24 CFR Part 8.23(b)). Therefore, recipients are required to provide access in covered alterations up to the point of being infeasible or an undue financial and administrative burden.

Section 3

The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. If a person receives government assistance for housing or their income falls below HUD's income limits, the person may qualify as a Section 3 worker, targeted worker or Section 3 business concern.

A **Section 3 worker** is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD;
2. The worker is employed by a Section 3 business concern; or
3. The worker is a YouthBuild participant.

A Section 3 **targeted worker** for housing and community development financial assistance developments is a Section 3 worker who:

1. is employed by a Section 3 business concern; or
2. currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - i. Living within the service area, which is a 1-mile radius from the project address or the neighborhood of the project, as defined in 24 CFR Part 75.5; or
 - ii. YouthBuild participant.

A Section 3 **business concern** is a business that meets at least one of the following criteria, documented within the last six-month period of submission to the City of the Section 3 report:

1. At least 51 percent (51%) owned and controlled by low- or very low-income persons;
2. Over 75 percent (75%) of the labor hours performed for the business within the prior three-month period of submission to the City of the Section 3 report are performed by Section 3 workers; or
3. A business at least 51 percent (51%) owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000.

The requirements of Part 75 apply to the entire development, regardless of whether the development is fully or partially assisted under HUD programs that provide housing and community development financial assistance.

Labor Standards

Projects involving new construction or rehabilitation will adhere to federal labor laws, including:

- Davis Bacon Act. Provides assurance that workers employed in construction work under federally assisted contracts are paid wages and benefits equal to those that prevail in the locality where the work is performed. The Davis-Bacon Act (40 USC, Chapter 3, Section 276a-276a-5; and 29 CFR Parts 1, 3, 5, 6 and 7) is triggered when construction work over \$2,000 is financed in whole or in part with CDBG funds. It requires that workers receive no less than the prevailing wages being paid for similar work in the same area. Davis-Bacon applies to the rehabilitation of residential structures containing at least eight units.
- Copeland Anti-Kickback Act (40 USC, Chapter 3, Section 276c and 18 USC, Part 1, Chapter 41, Section 874; and 29 CFR Part 3) requires that workers be paid weekly, that deductions from workers' pay be permissible, and that contractors maintain and submit weekly payrolls.
- Contract Work Hours and Safety Standards. Provides assurance that workers employed in construction work under federally assisted contracts are paid 1½ time their normal salary for working over forty (40) hours per week.
- Fair Labor Standards. Establishes a basic minimum wage for all work, and requires the payment of time and a half for overtime.

Conflict of Interest

Applicant acknowledges that no person who is an employee, agent, consultant, officer or elected/appointed official of the City of Fort Worth, or who has family or business ties with such employees, agents, consultants, officers or elected/appointed officials, who exercises or have exercised within the past year any functions or participated in decision-making or were in a position to gain inside information with respect to CDBG funds, may receive any financial benefit from a CDBG-assisted activity.

Lead-Based Paint

Applicant acknowledges that any housing unit constructed prior to 1978, which is assisted with HUD grant funds for rehabilitation, must be inspected and/or assessed to determine the presence or absence of lead-based paint hazards. Such inspections and/or assessments must be conducted by qualified personnel, and all applicable records retained. Applicant acknowledges that any rehabilitation performed with HUD grant funds will be done in accordance with 24 CFR Part 35.

Financial Management

The applicant must comply with federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OM Omni Circular). Recipients of CDBG funds must have a financial management system in place that complies with all federal standards including cost reasonableness and applicable sections of 24 C.F.R. Parts 84 and 85 as they relate to the acceptance and use of Federal funds.

Other Federal Requirements

Recipients of CDBG funding must comply with all federal laws and requirements including all OMB circulars and other federal requirements not listed in these instructions. These requirements will be spelled out in the CDBG contract between the City and applicant. Further information is available on request.

Records Retention

All records must be retained for five (5) years after project completion including tenant income and rent information.

I certify that I have read the ACKNOWLEDGEMENT AND CERTIFICATION OF HUD REGULATORY REQUIREMENTS FOR CDBG-DR FUNDS and understand that these federal requirements may apply to my project.

Signature:

ENVIRONMENTAL REVIEW REQUIREMENTS CERTIFICATION

Developments funded in whole or in part with CDBG-DR funds must meet the environmental review requirements of the U.S. Department of Housing and Urban Development (HUD) as outlined in 24 CFR Part 58.

After submitting this application, parties may not spend, commit, or contract to spend any money, either private or public funds for site work, property acquisition, demolition, rehabilitation of multifamily units, conversion, construction/reconstruction prior to the completion of the environmental review and receipt of the Release of Funds from HUD.

The City of Fort Worth Neighborhood Services Department will require a certification that no funds have been spent, committed or contracted prior to executing a contract with a successful applicant or authorizing final approval of funds for City-administered developments. Violations of this provision will result in the denial of funds or repayment to HUD of any grant funds expended. If the development is chosen for funding, a Notice to Proceed will be sent when the Authorization to Use Grant Funds has been received.

Notwithstanding the above, applicants may begin architectural and engineering services, purchase options and certain pre-development activities **only with prior written approval** from the City of Fort Worth. Undertaking these activities without prior approval will result in the denial of funds.

In any case where architectural and engineering services, purchase options or other pre-development activities are underway, I will notify the City of Fort Worth of the status of those activities and wait on written approval from the Neighborhood Services Department before proceeding with any additional activity.

I hereby certify that I have read the ENVIRONMENTAL REVIEW REQUIREMENTS CERTIFICATION and understand these requirements.

Signature:

APPLICATION SUBMISSION CERTIFICATION

I hereby certify that all questions are answered in the space provided. I understand that any required responses left blank or that simply reference attachments or other areas of the application without addressing the question first in the space provided could result in the application being considered incomplete and not eligible for award.

I hereby certify that the information contained in this application and its attachments fairly represents the applicant's plans and budget for the development. I understand that any misrepresentation shall constitute grounds for rejection of an application or the termination of funding at the discretion of the City of Fort Worth. I agree to provide any additional information for determining eligibility as requested by the City. I acknowledge that I have read and understand the requirements of this Notice of Funding Availability. I certify that I am authorized to sign this application.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including failure to disclose, is subject to civil money penalty not to exceed \$10,000 for each violation. I certify this information is true and complete.

Signature:

Date Submitted: