

Monroe County, NY

NOTICE OF FUNDING AVAILABILITY: 2027-2028 HOME PROGRAM



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COUNTY EXECUTIVE

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PART 1. INTRODUCTION

*Note: this Notice of Funding Availability is for Monroe County's HOME Entitlement funds. **HOME-ARP** funding for rental housing and non-congregate shelter is available through a separate RFP: "Monroe County and City of Rochester HOME ARP Notice of Funding Availability". See link below.*

Overview

Monroe County ("the County") anticipates a Home Investment Partnership Program (HOME) funding allocation of approximately \$1,000,000 from the U.S. Department of Housing and Urban Development (HUD) for program year 2027 (August 1, 2027 – July 31, 2028) **with the option for Monroe County to utilize sources from other funding years, as available**. Through HOME, HUD provides formula grants for communities to use in partnership with local nonprofit groups to fund a wide range of activities to create affordable housing for low-income households.

The County is seeking proposals from developers, non-profits, housing service providers, and other agencies ("Respondents") that can best deliver housing projects to serve low-income families, seniors, and persons with disabilities. Funding is available for the following:

1. **Development** or conservation (**rehabilitation**) of **affordable rental housing** in Suburban Monroe County, NY. (See PART 2)
2. **Production of owner-occupied, affordable housing stock** through the acquisition, rehabilitation or new construction, and resale of single-family homes to income-qualified, first-time homebuyers in Suburban Monroe County, NY. (See PART 3)

Through this Notice of Funding Availability (NOFA), Respondents may apply for funding to develop or expand qualifying projects. All funding requests will be reviewed on the basis of their proposal upon the closing date of this NOFA. Funds will be awarded to Respondents that best demonstrate a readiness to proceed and meet the minimum requirements as described in this NOFA and in the HOME guidance at 24 CFR 92.

Note: This Notice of Funding Availability is for Monroe County's HOME 2027-28 allocation. The County's HOME-ARP funds are available through a separate RFP titled "Monroe County and City of Rochester HOME-ARP Notice of Funding Availability" found at:

HOME-ARP Request for Proposals (<https://www.monroecounty.gov/planning-community>)

Respondents must submit one (1) electronic copy of its full Proposal in PDF format on a USB flash drive and one (1) complete hard copy. The digital copy must be in a searchable format. **Proposals should be clearly marked as "Proposal for 2027 HOME Funding."** An official authorized to bind the Respondent to its provisions must sign the Proposal. Confirmation of receipt of Proposal will be emailed.

This NOFA will remain open until 4:00 PM on August 7, 2026. To be considered, proposals must arrive at the location below on or before this time. *Requests for extension of the submission deadline will not be granted.* Respondents should allow ample delivery time to ensure timely receipt of their proposals.

Send USB and hard copy to: Monroe County Planning and Development
Community Development Administration
50 W. Main Street
City Place, Suite 1150
Rochester, NY 14614

Questions that arise must be **submitted in writing** to:
Sadie Geisler

Community Development Specialist
sarahgeislser@monroecounty.gov.

To be considered, Respondent must submit a complete Proposal. Respondents not providing all information requested in this NOFA or indicating exceptions to those items not provided may have their proposals rejected as being non-responsive. Proposals should be received at the address above by the deadline. Late or incomplete submissions and submissions by fax and/or email will not be accepted.

Proposals should be prepared as simply as possible and provide a straightforward, concise description of the Respondent's capabilities to satisfy the requirements of this NOFA. Expensive bindings, color displays, promotional material, etc. are not necessary or desired. Emphasis should be concentrated on accuracy, completeness, and clarity of content. All parts, pages, figures, and tables should be numbered and clearly labeled. Vague terms such as "Respondent complies" or "Respondent understands" should be avoided. All materials submitted shall become the property of the County and will not be returned, nor will compensation be provided for any part of the submission.

Monroe County intends to notify respondents of funding decisions on or around August 31, 2026. The County reserves the right to withdraw this NOFA without notice.

HOME Investment Partnership Program

The HOME Investment Partnerships Program (HOME) provides formula grants to states and localities for communities to use in partnership with local nonprofit groups to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership. It is designed exclusively to create affordable housing for low-income households.

Shortly after HOME funds become available each year, HUD informs eligible jurisdictions of the amounts earmarked for them. Participating jurisdictions must have a current and approved Consolidated Plan that includes an action plan describing how the jurisdiction will use its HOME funds. Monroe County's Consolidated Plan is published on the Monroe County website at: 2025-29 Consolidated Plan (PDF). Respondents may find it helpful to review this plan in order to align their proposals with the County's current goals and priorities.

The eligibility of households for HOME assistance varies with the nature of the funded activity. For rental housing, at least 90 percent of benefiting families must have incomes that are no more than 60 percent of the HUD-adjusted median family income for the area (MFI.) In rental projects with five or more assisted units, at least 20 percent (20%) of the units must be occupied by families with incomes that do not exceed 50 percent (50%) of the HUD-adjusted median. The incomes of households receiving HUD assistance must not exceed 80 percent (80%) MFI. HOME income limits are published each year by HUD.

In January 2025, HUD began a phased implementation of the 2024 HOME Rule, "HOME Investment Partnerships Program: Program Updates and Streamlining" ("HOME Rule.") Some of these changes are noted in this NOFA, but Respondents should familiarize themselves with any updates that may affect their proposed activity.

Questions regarding the HOME program or HOME requirements may be researched at the following sites:

1. Federal Regulations - 24 CFR 92 (HOME) and 2 CFR 200 (Uniform Administrative Requirements): <http://www.ecfr.gov/> (as amended)
2. HUD HOME Website: <https://www.hudexchange.info/programs/home/>
3. HUD HOME Program Topics: <https://www.hudexchange.info/programs/home/topics/>
4. HOME Maximum Per-Unit Subsidy Limits: <https://www.hudexchange.info/resource/2315/home-per-unit-subsidy/>
5. Rent Limits: <https://www.hudexchange.info/programs/home/home-rent-limits/>

6. Income Limits: <https://www.hudexchange.info/programs/home/home-income-limits/>

General Requirements

Eligible Respondents

To be considered for funding under this NOFA, Respondents must meet the minimum requirements below. In addition, developers are strongly encouraged to partner with a Community Housing Development Organization (CHDO.) For additional information about CHDO's, see PART 4.

Respondents must be incorporated for-profit or non-profit entities authorized to undertake activities within the boundaries of Monroe County, New York. If Respondent is submitting as a CHDO, proposals should indicate CHDO status.

Respondents must demonstrate the financial management and programmatic expertise to successfully develop, design, implement and manage the proposed activities. This expertise is demonstrated both through experience in successfully developing projects similar to the one proposed, and by the long-term financial sustainability of past projects, including timely repayment of previous loans.

Respondents must show they will be able to meet Federal requirements relative to the HOME program, specifically those concerning: equal opportunity and fair housing; affirmative marketing; environmental review; displacement, relocation, and acquisition; labor; procurement; lead-based paint; conflict of interest; and debarment and suspension. Federal requirements include those listed in 42 USC Chapter 130 and CFR Title 24 Part 92, as amended. All Respondents should be aware that additional federal requirements may apply.

Respondents must demonstrate that no County tax arrearages or other fees or obligations payable to the County exist, nor open letters of violation for property owned by the Respondent and principals. Respondents must also demonstrate that they have no state or federal debarments, denials of participation or liens.

A maximum of ten percent (10%) of the project budget may be designated for a developer fee. Projects proposing a higher fee based on the regulations of other programs or contributing government lenders may be considered upon presentation of supporting documentation.

Any person or subcontractor undertaking a part of the work under the terms of any contract secured through this NOFA, by virtue of any agreement with the Respondent, must be approved prior to any such undertaking. In the event the Respondent desires to subcontract part of the work specified herein, the Respondent shall furnish with their proposal the names, qualifications, and experience of its proposed subcontractors. Subcontractors shall conform in all respects to the provisions specified for the Respondent. The Respondent shall, however, remain fully liable and responsible for the work done by their subcontractors.

Build America, Buy America

*Monroe County is committed to working with partners toward BABA compliance. However, it should be noted that buildings of **fewer than 5 units** are not covered by BABA. In addition, projects whose **total cost is less than \$350,000**, such as rehabilitation/repair projects to existing structures are applicable to the De Minimis general waiver explained below. Monroe County encourages potential Respondents to consider applying to this NOFA for such projects. (Projects currently within a HOME affordability period are not eligible.)*

The Build America, Buy America Act (BABA) was signed into law by President Biden on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA.) The intent of BABA is to stimulate private-

sector investments in domestic manufacturing, bolster critical supply chains, and support the creation of well-paying jobs for people in the United States.

The Office of Management and Budget (OMB) has provided federal agencies, including HUD, with guidance on implementing the Buy American Preference provision (BAP) of BABA through its Notice, “Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.” (M-24-02) (OMB Guidance). HUD’s Office of Community Planning and Development (CPD) has interpreted OMB Guidance with Notice CPD-25-01, “CPD Implementation Guidance for the Build America, Buy America Act’s Buy America Preference.” OMB may also issue additional or updated guidance in the future, and HUD will update its guidance as necessary.

Projects receiving funding through this NOFA are subject to BABA as interpreted by HUD. HUD has provided a helpful tool for determining whether an individual project is subject to BAP. The optional checklist can be found here: [Optional Buy America Preference Checklist \(PDF\)](#). Note that for this funding opportunity, BABA applies to all four material types in Step 4 of the Checklist.

Note: HOME-ARP funding, available through a separate RFP, is not subject to BABA.

General Waivers

There are currently two public interest general waivers in effect that are relevant to projects in Monroe County; this is subject to change:

1. [Public Interest De Minimis and Small Grants Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance](#) (Effective as of November 23, 2022.)

HUD issued a public interest waiver titled “Public Interest De Minimis and Small Grants Waiver of Build America, Buy America Provisions as Applied to Certain Recipients of HUD Federal Financial Assistance”. This waives the BAP for all infrastructure projects whose **total cost (from all funding sources)** is equal to or less than the simplified acquisition threshold at 48 CFR 2.101, which is currently \$350,000.

The above Notice also waives the application of the BAP for a *de minimis* portion of an infrastructure project, meaning a cumulative total **of no more than five percent of the total cost of the iron, steel, manufactured products, and construction materials** used in and incorporated into the infrastructure project, up to a maximum of \$1 million.

2. [Public Interest Waiver of Build America, Buy America Provisions for Exigent Circumstances as Applied to Certain Recipients of HUD Federal Financial Assistance](#) (Effective as of November 23, 2022.)

HUD issued a public interest waiver titled “Public Interest Waiver of Build America, Buy America Provisions for Exigent Circumstances as Applied to Certain Recipients of HUD Federal Financial Assistance” to the BAP for grantees and recipients of HUD assistance in certain exigent circumstances.

HUD recognizes that there are exigent circumstances, particularly with respect to the conduct of maintenance and other rehabilitation and repair activities in connection with affordable housing and community development projects, that warrant the exclusion from the application of the BAP in the public interest. Specifically, where an award is being utilized to repair or conduct maintenance of infrastructure (within the meaning of the Act) in exigent circumstances, the ability to quickly respond and address the need is critical to ensuring the protection of life, safety and property of residents and community members. This ability to immediately respond to such situations could be compromised if the grantee or recipient is required to navigate the complex BAP requirements for such an activity in the midst of the exigent circumstances.

This waiver is not an alternative to increasing domestic production, but rather is in the interest of efficiency, to ease burdens for grantees and recipients, avoid unnecessary costs, and avoid delays to projects that are critical and time sensitive.

Both waivers are effective from November 23, 2022, until November 23, 2027, or such shorter time as HUD may announce via Notice.

Project-specific Waivers

BABA applies to projects of more than five (5) units that receive federal funding. For the purposes of BABA, a HOME “project” is defined as “a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management, and financing and are to be assisted with HOME funds as a single undertaking...The project includes all the activities associated with the site and building.”

Respondents may apply to HUD for a project-specific waiver for one of three limited situations:

1. When applying the domestic content procurement preference would be inconsistent with the public interest;
2. When types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
3. Where the inclusion of those products and materials will increase the cost of the overall project by more than 25 percent. *An independent cost estimate and analysis of BABA compliant and non-compliant projects is required as a minimum justification for this type of waiver.*

Before issuing a waiver, HUD will make a detailed written explanation for the determination publicly available for a public comment period of not less than 15 days. These waivers and other BABA information are available on HUD’s website at <https://www.hudexchange.info/programs/baba/>.

Respondents seeking a waiver should be aware that BABA waivers can take an estimated six months to process and should plan their projects accordingly.

The National Institute of Standards and Technology’s Manufacturing Extension Partnership (NIST MEP) provides many resources on supply chain management. (<https://www.nist.gov/mep/supply-chain>). NIST MEP’s free supplier scouting resources can attempt to identify a domestic manufacturer that can supply the necessary materials, or conduct the necessary market research to support the need for a project or product-specific waiver. Monroe County is not affiliated with NIST and does not require respondents to use NIST.

PART 2. DEVELOPMENT OF AFFORDABLE RENTAL HOUSING

Introduction

Monroe County (“the County”) is soliciting proposals for Affordable Rental Housing Development of Multi-Family Housing (ARH). Respondents must offer a proposal that will meet the scope of services, qualifications, and general description of work activities identified in this NOFA.

In responding to this NOFA, Respondents must follow the prescribed format as outlined in PART 6. By so doing, each Respondent will be providing the County with data comparable to that which was submitted by other Respondents and thus be assured of fair and objective treatment in the County review and evaluation process.

Developers, non-profits, and housing service providers (“Respondents”) may respond to this NOFA to competitively apply for funding made available from the County’s HOME Allocation.

The ideal Respondent will have a history of successfully developing affordable rental housing projects under HUD HOME regulations. The Respondent will leverage its connections within the community to develop the project in accordance with HOME and local requirements, and to lease-up the assisted units to Income Qualified Households. The Respondent may also use these funds to bridge funding gaps, provided the funds are used in accordance with HOME rules and regulations.

Scope of Work

The successful Respondent will complete the following general steps after the County has awarded a grant:

1. Act as Developer, Sponsor, or Owner for the development/construction/rehabilitation of an affordable rental housing development serving income-qualified renters throughout Monroe County, and
2. Lease all units subsidized by these Funds to Income-Qualified Households, as defined by HOME regulations.

Project Requirements

HOME funds may be used to acquire, rehabilitate, or construct affordable rental housing primarily for occupancy by low-income households. Completed rental housing development projects must meet NSPIRE requirements, be safe, sanitary, and in good repair, per HOME and 24 CFR 5.703. Included in these requirements are the following standards, described in greater detail at 24 CFR 92.251(a)/(b). Records must substantiate that the housing meets standards, and must justify all expenditures financed through this NOFA.

1. All major systems are in good condition, including but not limited to: structural support; roofing; cladding and weatherproofing; plumbing; electrical; and heating, ventilation, and air conditioning;
2. Property is acceptable to the local zoning ordinances, which may differ from municipality to municipality;
3. Accessibility: The housing must meet the accessibility requirements of 24 CFR 92.251(a)(3)(i);
4. Disaster mitigation: Where relevant, the housing must be constructed to mitigate the impact of potential disasters for at least the extent of the affordability period;
5. Lead hazards: If a lead-based paint hazard, as defined by 40 CFR 745.65, is present on the project site, Respondent must complete work with appropriate stabilization, interim controls, and/or abatement as required per HUD;
6. New affordable rental housing must be available for lease-up within the project timeline. Project must be completed in accordance with HUD requirements, Federal and State labor practices, and Environmental Review; and
7. Updated smoke and carbon monoxide detection standards at 24 CFR 92.251(a)(3)(vi).

Program Requirements

The successful Respondent must use the Funds to administer an ARH Development in accordance with HUD HOME rules & regulations, meeting the following requirements:

1. Development must be located in Suburban Monroe County.
2. Development scope must match need/demand analysis provided in the Proposal.
3. Affordable units must be set aside (fixed or floating) in proportion to the amount of requested funding, and according to HOME income targeting guidelines.
4. Respondent will make and document its best efforts to meet Section 3 targets. Safe-harbor targets are:

- a. Section 3 workers make up 25% of all labor hours for the project.
 - b. Targeted Section 3 workers make up 5% of all labor hours for the project. (See HUD Q&A: <https://www.hudexchange.info/faqs/3781/what-does-targeted-section-3-worker-mean/>)
5. Respondent will make and document its best efforts to meet targets regarding the contracting of Minority and Women-owned Business Enterprises (MWBE). The County's MWBE Goals are:
 - a. Developers will contract 12% of the HOME funds to Minority-owned Business Entities. (MBE)
 - b. Developers will contract 3% of the HOME funds to Women-owned Business Entities. (WBE)
 - c. See <https://www.monroecounty.gov/dei-mwbe> for more information.
6. Respondent may procure and select third-party vendors to assist in ensuring compliance with HOME regulations regarding HUD Section 3 and the County's policies regarding MWBE goals. Ideally, this vendor should be identified in the Proposal.
7. Respondent will affirmatively market available affordable units to ensure that:
 - a. Information about unit availability reaches populations typically underserved by traditional housing programs, with a focus on populations disproportionately impacted by the lack of affordable rental housing opportunities;
 - b. Marketing procedures must utilize several modes of communication, such as printed, electronic (radio, television), online (e.g., social media) or in-person outreach. Selected methods must reflect Respondent's understanding of their targeted community and that community's access and preferences. Respondent must provide meaningful and culturally relevant language access to targeted populations;
 - c. Respondent will provide information to any groups or individuals known or believed to be interested in the availability of the affordable units, in accordance with the HOME program, the Fair Housing Act, and Title VI of the Civil Rights Act of 1964; and
 - d. Respondent must provide a written marketing plan.
8. Affordable units will meet HUD property standards; project site must meet HUD rental housing standards.
9. If the proposed project is utilizing Empire State Supportive Housing Initiative (ESSHI) funding, an award through this NOFA will be contingent on Respondent's agreement to utilize the local Continuum of Care's Coordinated Entry system (CE) to fill units as appropriate.

Financing

Monroe County's HOME funds are intended to provide gap financing or leverage for projects predominantly funded/financed through other sources. The County funds are structured as follows:

1. Interest-only payments; two percent (2%) of principal. Loan payments are must-pay, are cash-flow dependent, and are due annually with Balloon payment due at the end of the term; and
2. The County will release up to 90% of the funds during construction; 10% will be held back for retainage until receipt of necessary documentation for project close-out.

Respondent should provide, in as much detail as possible, the funding from all sources, and how these funds will be layered with HOME funds. In particular, the subsidy layering of HOME units should be clearly described.

Income Targeting

HUD requires each participating jurisdiction to invest HOME funds made available during a fiscal year so that:

1. Not less than 90 percent of the housing units assisted with such funds are occupied by families whose annual incomes do not exceed 60 percent of the median family income (MFI) for the area, as determined and made available by HUD; and
2. The remainder of the housing units assisted with such funds are occupied by families that qualify as low-income families, which HUD typically defines as below 80 percent MFI.
3. In addition, for projects with more than five (5) HOME-assisted units, at least 20 percent of assisted units must be affordable to families that qualify as very-low-income, which HUD typically defines as below 50 percent MFI.

HUD updates income limits annually. See **Attachment I - HUD HOME Income Limits** for current limits.

Proposal Requirements

Each submission must include all of the items listed in PART 6. Respondent must also provide requested information listed in **Attachment D - HOME Rental Project Checklist** to ensure the Proposal contains all information necessary for review and selection. The County reserves the right to request additional information, or to reject an incomplete proposal outright at its discretion.

Proposals for Affordable Rental Housing Developments must include in their proposal the details described in the subsections below.

Experience

Provide a written narrative describing Respondent company:

1. Its history and ownership;
2. Its experience developing multi-family rental properties; and
3. Any such experience with grant-funded affordable housing, including specific examples.

Capacity

1. Indicate Respondent's normal development time for a similarly-sized project, from closing to Certificate of Occupancy;
2. Indicate how normal development time may be affected with multiple projects underway simultaneously (if applicable); and
3. Provide financial statements, letters of credit and/or other evidence that demonstrates Respondent company's financial strength and capacity to undertake the proposed development.

Financing

Respondent should provide, in as much detail as possible, the funding from all sources, and how these funds will be layered with HOME funds. In particular, the subsidy layering of HOME units should be clearly described. Where applicable, the timing and terms of secured or proposed funding should be included. The number of requested HOME units should be broken down on **Attachment A - Proposal Cover Page**. The Proposal should clearly state proposed rents, their size and whether units will be "fixed" or "floating" units.

Market and Needs Analysis

Respondents must submit a narrative of the necessity and feasibility of the project, supported by data and findings of a current and thorough Market and Needs Analysis. The analysis must indicate the demand for rental housing near the proposed site, as well as the need for the proposed affordable units. Although Respondents are encouraged to consider the findings of the Consolidated Plan, they must provide their own data and analysis specific to the proposed project.

Rental project proposals must include a detailed analysis of the current market demand in the neighborhood in which the project will be located. The analysis should be completed by a knowledgeable third party and should address the market and need for affordable housing, as well as for the market rate units necessary for the project's overall viability. The analysis should include a summary which describes, at a minimum, the level of confidence that the proposed project can be rented, at the proposed rent levels, within six to twelve months of completion and should, at a minimum:

1. Evaluate the general demographic, economic, and housing conditions in the project's community;
2. Delineate the market area by identifying the geographic area from which the majority of a project's tenants or buyers are likely to come;
3. Quantify the pool of eligible tenants in terms of household size, age, income, housing status, and other relevant factors;
4. Analyze the competition by evaluating other housing opportunities with an emphasis on other affordable rental housing developments in the market area, including those financed through either the HOME program or other federal programs;
5. Assess the market for the planned units and determine if there is sufficient demand to rent the assisted housing within 18 months of project completion; and
6. Estimate the absorption period: how many units can be successfully leased each month, and how long will it take to achieve initial occupancy of the HOME units and stabilized occupancy for the project as a whole.

The County reserves the right to request additional data to support these claims prior to making a conditional award.

If the project will target populations based on characteristics other than income, Respondents must also provide data to support the need for such units in the target area. Data can include existing waiting lists, local Continuum of Care (CoC) data, data from other agencies, or any other data which supports the project proposal.

Site Plans and Scope of Work

Respondents must submit detailed site plans for proposed development. Plans must be in compliance with County and NYS building codes, local zoning and must meet HOME standards, as described in part below. Scope of work should include the building materials and methods that Respondent must use in the construction or rehabilitation of the unit.

Detailed Project/Construction Information

Site plans should include, at a minimum:

1. Description of the site and the proposed location;
2. How and when the Respondent will obtain site control, if not already in place;
3. Documentation of zoning compliance/approval, or a timeline for achieving compliance and approval;
4. Final or preliminary Zoning or Planning approvals from host municipality;
5. Outline how utilities will be made available to the site, if not already in place;
6. A list of services and amenities near the site and/or available onsite;
7. Pictures or maps of the site;
8. Preliminary site plans and renderings/drawings;
9. Description of rehabilitation or construction to be performed;
10. Preliminary budget and operating proforma demonstrating sustainability throughout development and the compliance period;

11. Copy of Phase 1 (and 2, if applicable) Environmental Site Assessments (ESA); and
12. See **Attachment E -Environmental Review Checklist** for additional requirements.

Project Readiness and Site Information

Include any information that may impact the Project's readiness status. Proposal must include:

1. Current status/proof of site control;
2. A letter of support from the host municipality;
3. Other documentation of local or community support, such as a public hearing;
4. Any award letters, or preliminary letters from all funding sources that have been secured; and
5. A detailed summary of the status of all sources of funding.

Budget

1. Provide a completed Development Budget which breaks down the total project cost;
2. Complete and submit the Development Costs Tab (and provide any other relevant information) in the underwriting template found <https://www.hudexchange.info/resource/2468/home-multifamily-underwriting-template/> (see **Attachment F - Development Costs - Underwriting Supplement** for reference); and
3. Provide a detailed sample Project Operating Expense Pro Forma for the rental housing development, demonstrating that the project can operate with the anticipated income and expenditures, while making adequate contributions to replacement reserves and debt service, and without raising rent for funded units above affordability guidelines for at least the duration of the affordability period.
4. Provide an independent cost estimate or analysis of the project.

Environmental Review and Assessment

1. Respondent must supply documentation and findings of an Environmental Review of the project in compliance with 24 CFR 58, and any other environmental assessment done in accordance with applicable law (e.g., Phase I ESA);
2. National Environmental Policy Act (NEPA) review will be required for any projects that receive HOME funds; please note that the County utilizes the HUD Environmental Review Online System (HEROS) and will require all NEPAs to be provided within that online database;
3. The County requires that municipal projects comply with the State Environmental Quality Review Act (SEQRA) acting as the lead agency and lists Monroe County as an involved agency; and
4. Respondent must supply documentation that the proposed project is acceptable to local zoning ordinances.

Marketing and Lease-up Strategy

Respondent must describe their strategy to ensure that the proposed Project will fulfill the goals described in **Market and Needs Analysis** above. This may include a marketing strategy, utilization of waiting lists, Coordinated Entry (CE) or other outreach/partnership efforts designed to swiftly match available units with income-qualified households.

Note: Projects utilizing ESSHI funding must use Coordinated Entry in filling vacant ESSHI-designated units.

Employment

1. Explain how Respondent will meet HUD Section 3 and Targeted Section 3 requirements by seeking to provide job training, employment, and contracting opportunities for low- or very low-

income residents in connection with this project. More information about Section 3 can be found at <https://www.hud.gov/section3>;

2. Explain what actions Respondent will take to meet Monroe County's MWBE and Workforce goals; and
3. Complete and attach a signed **Attachment G - Developers Section 3 Acknowledgement Form**
4. Complete and attach a signed **Attachment H - MWBE Utilization Plan**

See PART 6 for more detail on Proposal requirements for Section 3 and MWBE utilization.

Other Federal Requirements

Approved projects are subject to regulations of federal funds including, but not limited to, public and competitive bidding, prevailing wage, affirmative action, civil rights, environmental review, property standards, lead based paint regulations, relocation, and accessibility requirements. Projects must meet State/Local government codes for any building converted, rehabilitated, or renovated with HOME funds. The Respondent is required to comply with all contract and applicable State, County, and HUD HOME requirements including applicable environmental reviews and Davis Bacon Act requirements. The Respondent must comply with requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276a-276a-5; 40 U.S.C. 276c), and all other applicable Federal, state, and local laws and regulations pertaining to labor standards applicable to this agreement. The Respondent shall maintain documentation that demonstrates compliance with hour/wage requirements of this part.

PART 3. PRODUCTION OF AFFORDABLE HOUSING STOCK FOR FIRST-TIME HOMEBUYERS

Introduction

Funding is available for the production of affordable housing stock for first-time homebuyer homeownership through **Acquisition, Rehabilitation, and Resale or new construction**. Developers, non-profits, and housing service providers ("Respondents") may respond to this NOFA to competitively apply for funding made available from the County's HOME Allocation. Respondents must offer a proposal that will meet the scope of services, qualifications, and general description of work activities identified in this NOFA. Funding will be available for the production of affordable housing projects to offset the costs of acquisition and rehabilitation/construction, once the project has resulted in the property's sale to an income-qualified first-time homebuyer ("qualified homebuyer") at or below the home value limits, as amended, and affordable to households at or below 80 percent of the Median Family Income (MFI.)

The ideal Respondent will have a history of successfully completing the production of affordable housing stock through acquisition, rehabilitation, and resale or new construction projects, or will be able to demonstrate through its experience and capacity that it has the necessary expertise and skills to do so. The Respondent will leverage its connections within the community to sell the properties as owner-occupied affordable housing to qualified homebuyers. The Respondent may also use these funds to bridge funding gaps, provided the funds are used in accordance with HOME regulations.

In responding to this NOFA, Respondents must follow the prescribed format as outlined in PART 6. By so doing, each Respondent will be providing the County with data comparable to that which was submitted by other Respondents and thus be assured of fair and objective treatment in the County review and evaluation process.

Scope of Work

The successful Respondent will complete the following general steps after the County has awarded a grant:

1. Act as Developer, Sponsor, or Owner for the production of affordable housing stock through acquisition, rehabilitation, and resale or new construction project(s) serving income-qualified, first-time homebuyers ("qualified homebuyers") throughout Suburban Monroe County, and
2. Market and sell all units subsidized by these funds to qualified homebuyers, as defined by HOME regulations.

Project Requirements

Completed acquisition and rehabilitation/new construction projects (homes) must meet NSPIRE requirements, be safe, sanitary, and in good repair, per HOME and 24 CFR 5.703. Included in these requirements are the following standards, described in greater detail at 24 CFR 92.251 (a)/(b). Records must substantiate that the housing meets standards and must justify all expenditures funded through this NOFA.

For each acquisition and rehabilitation housing unit acquired and new construction, Respondent must create and execute a detailed scope of work, taking actions necessary to bring the property up to HUD standards and local housing code. At minimum, included in these requirements are the following standards, described in greater detail at 24 CFR 92.251:

1. All major systems are in good condition, to include but not limited to: structural support; roofing; cladding and weatherproofing; plumbing; electrical; and heating, ventilation, and air conditioning;
2. Property is acceptable to the local zoning ordinances, codes, regulations, etc., which may differ from municipality to municipality;
3. Accessibility: The housing must meet the accessibility requirements of 24 CFR 92.251 (a)(3)(i) or (b)(1)(iv) as appropriate;
4. Disaster mitigation: Where relevant, the housing must be constructed to mitigate the impact of potential disasters for at least the extent of the affordability period;
5. Lead hazards: If a lead-based paint hazard, as defined by 40 CFR 745.65, is present on the project site, Respondent must complete work with appropriate stabilization, interim controls, and/or abatement as required per HUD.
6. Updated smoke and carbon monoxide detection requirements at 24 CFR 92.251(b)(1)(xi);
7. Any repairs identified in the inspection have been corrected prior to transfer of title to homeowner(s);
8. Housing must be available for sale within the project timeline. Project must be completed in accordance with HUD requirements, Federal and State labor practices, and Environmental Review.

Program Requirements

The successful Respondent must use the Funds to complete the production of affordable housing stock through acquisition, rehabilitation, and resale or new construction projects in accordance with HUD HOME, meeting the following requirements:

1. Respondent must partner with a HUD-certified homebuyer counseling program, per HUD requirements. The partner will be responsible for certifying that potential homebuyers have completed the homebuyer counseling and that they qualify for assistance under the HUD HOME program.

2. Respondent must identify and acquire single family homes that can be rehabilitated, or acquire vacant lots to be newly constructed into affordable housing which is safe, sanitary, and in good repair, per HOME. Project sites must be located within Suburban Monroe County and meet home value limitations, as amended, after rehabilitation/completion. (See page 20 for home value limits.)
3. Respondent must acquire housing in compliance with the Uniform Relocation Assistance and Real Property Act of 1970 (URA), as described in 49 CFR 24 subpart B and provide detailed, accurate documentation of compliance. (*Relocation costs are not eligible under this NOFA.*)
4. Respondent must conduct a home inspection of the property, complete an Environmental Review, and Lead-based paint inspection prior to transfer of title to homeowner(s) to ensure compliance with HOME. Property must be able to meet compliance standards without exceeding subsidy maximums.
5. Records must substantiate that the housing meets standards and must justify all expenditures funded through this grant. Luxury items and high-end fixtures are not eligible expenses.
6. Upon completion of rehabilitation/new construction, Respondent must sell the home in compliance with HUD HOME and Fair Housing Act (FHA) standards. Each completed house shall be sold to an individual/household that must commit to be an owner-occupant for the period of affordability described in **Minimum Periods of Affordability** on page 21. A Declaration of Restrictive Covenant must be filed in the Monroe County Clerk's Office specifying this requirement.
7. If the home is sold within the affordability period, terms of the resale recapture provisions in the Declaration of Restrictive Covenants must be met. After the affordability period, no income restrictions for owner-occupants will be required.

Respondent should provide, in as much detail as possible, the funding from all sources, and how these funds will be layered with HOME funds. In particular, the subsidy layering of HOME units should be clearly described.

Income Targeting

HUD requires each participating jurisdiction to invest HOME funds made available during a fiscal year so that:

1. Not less than 90 percent of the funds spent through this NOFA must be used to assist families whose annual incomes do not exceed 60 percent MFI for the area, as determined and made available by HUD; and
2. The remainder of the funding must be used to assist families that qualify as low-income families, which HUD typically defines as below 80 percent MFI.

HUD updates income limits annually. See for **Attachment I - HUD HOME Income Limits** current limits.

Proposal Requirements

Each submission must include all of the items listed in PART 6. The County reserves the right to request additional information or to reject an incomplete proposal outright at its discretion. In addition to the information requested in PART 6, proposals must include the details described in the subsections below.

Experience:

Provide a written narrative describing Respondent organization:

1. Its history and ownership;

2. Its single-family residential construction and/or development experience, and any such experience with development of grant-funded single family affordable housing for homeownership; and
3. Understanding and experience with HOME regulations related to the production of affordable housing stock through acquisition, rehabilitation, and resale or new construction, income qualifications and home value limits.

Capacity:

1. Indicate Respondent's normal development time for a single-family home, from acquisition to Certificate of Occupancy;
2. Indicate Respondent's production capacity—how many single-family homes it can have under ownership at one time;
3. Indicate how normal rehabilitation/new construction time may be affected with multiple projects underway simultaneously;
4. Provide financial statements, letters of credit and/or other evidence that demonstrates Respondent organization's financial strength and capacity to undertaking rehabilitation/new construction of the number of single-family homes proposed;
5. Provide proof of non-profit certification, if applicable. If a new entity will be created, describe the path and timeline for the process, and include the new entity in the program's organizational chart; and
6. Describe existing partnerships with other non-profits, realtors, etc. providing essential services for the completion of the project and transfer of title to homeowner(s).

Site Plans and Scope of Work:

Selected Respondents must be in compliance with local and NYS building codes, local zoning and must meet HOME standards, as described in part below.

Rehabilitation projects:

1. Accessibility: The housing must meet the accessibility requirements of 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
2. Disaster mitigation: Where relevant, the housing must be improved to mitigate the impact of future disasters in accordance with State and local codes, ordinances, and requirements, and such other requirements that HUD may establish;
 3. Upon completion, the project must be decent, safe, sanitary, and in good repair, meeting applicable standards in 24 CFR 5.703;
 4. Major systems including but not limited to: structural support; roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning: These systems must be in good repair and built with methods and materials that must extend the functional life of the system to a minimum of five (5) years;
5. Lead hazards: If a lead-based paint hazard, as defined by 40 CFR 745.65, is present on the project site, appropriate measures must be taken in accordance with the location and severity of the hazard; and
6. "Green" or sustainable building features of the proposed rehabilitation should exceed NYS minimum requirements for energy and efficiency.

New Construction projects:

1. Accessibility: The housing must meet the accessibility requirements of 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
2. Disaster mitigation: Where relevant, the housing must be constructed to mitigate the impact of potential disasters for at least the affordability period;
3. Upon completion, the project must be decent, safe, sanitary, and in good repair, meeting applicable standards in 24 CFR 5.703; and
4. "Green" or sustainable building features of the proposed project should exceed NYS minimum requirements for energy and efficiency.

Budget:

Provide a complete and detailed budget proposal, including expenses and funding from all sources. Eligible costs are those costs specifically required to complete the project(s) in accordance with HOME, or allocated portions of shared expenses that will be used to administer the program. Program administration expenses should not exceed ten percent (10%) of the total proposed budget.

Environmental Review and Assessment:

The selected Respondent will supply documentation and findings of an Environmental Review in compliance with 24 CFR 58, and any other environmental assessment done in accordance with applicable law.

If sites have been selected, the proposal will include documentation and findings of an Environmental Review of the project(s) in compliance with 24 CFR 58, and any other environmental assessment done in accordance with applicable law, (e.g., Phase I Environmental Site Assessment (ESA).)

If sites have not been selected as of proposal submission, proposal should include an Environmental Review of the program, in addition to a description of the general area sites will be selected from, and the criteria by which sites will be selected.

Marketing and Sales:

Respondent must include a description of the area in which project sites will be located, along with a market analysis or other data which demonstrates that the housing is needed and desirable in that location, and that there is a high likelihood that the housing produced will be sold to qualified households within the required timeframe.

Respondent must describe their strategy to ensure that the housing will be sold within program deadlines. This may include a marketing strategy, utilization of waiting lists from homebuyer counseling programs, or other outreach/partnership efforts designed to swiftly match available units with qualified households.

Other Federal Requirements:

Approved projects are subject to regulations of federal funds including, but not limited to, public and competitive bidding, cost reasonableness, prevailing wage, affirmative action, civil rights, environmental review, property standards, lead based paint regulations, relocation, and accessibility requirements. Projects must meet State/Local government codes for any building constructed, converted, rehabilitated, or renovated with HOME funds. Respondent is required to comply with all contract and applicable State, County, and HUD HOME requirements including applicable environmental reviews and Davis Bacon Act requirements. Respondent must comply with requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276a-276a-5; 40 U.S.C. 276c), and all other applicable Federal, state, and local laws and regulations pertaining to labor standards applicable to this agreement.

Respondent shall maintain documentation that demonstrates compliance with hour/wage requirements of this part.

PART 4. CHDO HOME REQUIREMENTS

Definition of a CHDO

HOME Regulations at 24 CFR 92.2 define the minimum requirements for designation as a CHDO. These requirements are summarized briefly below, but any Respondent wishing to apply for designation as a CHDO should review the full definition at 24 CFR 92.2 “Community housing development organization.”

A CHDO is a private nonprofit organization that:

1. Is organized under State or local laws;
2. Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
3. Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization;
4. Has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986; (See 24 CFR 92.2 “Community housing development organization” paragraph (4) for complete updates to this requirement.)
5. Is not a governmental entity; (No more than one-third of the board members of the organization may be officials, employees or appointees of the participating jurisdiction or governmental entity that created the community housing development organization. See 24 CFR 92.2 “Community housing development organization” paragraph (5) for complete updates to this requirement.)
6. Has standards of financial accountability that conform to 2 CFR 200.302, ‘Financial Management’ and 2 CFR 200.303, ‘Internal Controls;’
7. Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws;
8. Maintains accountability to low-income community residents by:
 - (i) Maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, low-income beneficiaries of HUD programs, other low-income community residents, designees of low-income neighborhood organizations, or designees of nonprofit organizations in the community that address the housing or supportive service needs of low-income residents or residents of low-income neighborhoods, and
 - (ii) Providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing;
9. Has a demonstrated capacity for carrying out housing projects with federal, state or local financial assistance, (see 24 CFR 92.2 “Community housing development organization” paragraph (9) for complete updates to this requirement;) and
10. Has a history of at least one year of serving the community within which housing to be assisted with HOME funds is to be located. (A newly created organization formed by local churches, service organizations or neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least a year of serving the community.)

Entities meeting the requirements above must apply for CHDO set-aside and maintain CHDO status at the time of funding commitment. The County will assess the entity's application and determine if the requirements are met, and if the entity has the capacity to carry out a sufficient housing development program.

HOME Set-Aside for CHDO's

HOME regulations at 24 CFR 92.300 require that the County reserve not less than fifteen percent (15%) of its HOME allocation for investment only in housing to be owned, developed, or sponsored by community housing development organizations. These funds must be committed within 24 months after the date that HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnerships Agreement ("Grant Agreement.")

Note: The temporary suspension (waiver) of this provision lapsed on December 31, 2025 and is no longer in effect. The deadline requirement above is required for all CHDO projects funded through this NOFA

Funds are committed when a participating jurisdiction enters into a written agreement with the CHDO, committing the funds to a ***specific local project*** in accordance with paragraph (2) of the definition of "commitment" in 24 CFR 92.2.

Commitment means that the participating jurisdiction has executed a legally binding written agreement meeting the requirements in 24 CFR 92.504(c). The written agreement must specify a specific amount of HOME funds to be used to produce affordable housing. For rehabilitation or new construction (with or without acquisition,) the participating jurisdiction and project owner have executed a written, legally binding agreement under which HOME assistance will be provided to the owner for ***an identifiable project for which all necessary financing has been secured, a budget and schedule have been established, and underwriting has been completed, and under which construction is scheduled to start within twelve months of the agreement date.***

Respondents should review the following regulatory updates prior to application:

- ☐ 24 CFR 92.2 "Community housing development organization" (Apr. 20, 2025)
- ☐ 24 CFR 92.300 (Apr. 20, 2025) Set-aside for community housing development organizations (CHDOs).

PART 5. QUALIFICATION AS AFFORDABLE HOUSING

HUD Provides the following requirements to qualify a housing unit as "affordable." These requirements must be reflected in any cost estimates or construction details.

Housing Costs

Rental Units

High HOME rent limits.

If a low-income family is participating in a program where the family pays as a contribution toward rent no more than 30 percent of the family's monthly adjusted income or 10 percent of the family's monthly income, then the maximum rent due from the family is the family's contribution. For all other cases, the rent does not exceed the lesser of:

1. The fair market rent for existing housing for comparable units in the area as established by HUD under 24 CFR 888.111; or
2. Thirty percent (30%) of the adjusted income of a family whose annual income equals 65 percent of the median income for the area, as determined by HUD.

Low HOME rent limits.

If a very low-income family is occupying a HOME-assisted unit, that family's contribution to rent is no more than 30 percent of the family's monthly adjusted income. This contribution is the maximum allowable rent unless:

1. The fair market rent (as defined by HUD) is less than the amount described above;
2. The family is receiving rental assistance to make up the difference between the rent and their contribution.
3. The unit is a LIHTC unit and has rents not greater than the gross rent for rent-restricted residential units as determined under 26 U.S.C. 42(g)(2).

HUD HOME rent limits are updated annually. See **Attachment J – HUD HOME Program Rents** for current limits.

Owner-Occupied Housing Units

To qualify as affordable housing per HOME regulations, homes for owner-occupancy must meet two criteria: sale price limits and home value limits.

HOME-assisted units must be priced for sale such that a qualified homebuyer's monthly housing costs are no more than 30 percent of the family's monthly adjusted income. Housing costs are defined by the US Census and HUD as including: mortgage and rent payment, real estate taxes, insurance, utilities, land rent, Homeowner's Association fees and mobile home park fees. Respondent must include this calculation in their proposal to demonstrate that homes will meet affordability requirements at the proposed sale price.

In the case of acquisition of newly constructed housing or standard housing, the housing has a purchase price that does not exceed 95 percent of the median purchase price for the area, as determined by HUD.

In the case of acquisition with rehabilitation, the housing has an estimated value after rehabilitation that does not exceed 95 percent of the median purchase price for the area, as determined by HUD.

HUD publishes these limits at <https://www.huduser.gov/portal/datasets/home-ownership-value-limits.html>. The limits currently in effect as of the publication of this NOFA are below.

HUD HOME Value Limits for Monroe County

	1-Unit	2-unit	3-unit	4-unit
Existing (Rehabilitated) Housing	\$238,000	\$304,000	\$368,000	\$456,000
New Housing (Construction)	\$339,000	\$433,000	\$525,000	\$650,000

These values are subject to change when published by HUD in the Federal Register, or new values are otherwise approved by HUD.

Period of Affordability

The income and rent limits apply from project completion, as defined by HUD for the specific project type, to the end of the Period of Affordability.

Minimum Periods of Affordability

Activity	Subsidy per HOME Unit	Period of Affordability
New construction or acquisition of newly constructed housing:		20 years
Rehabilitation or acquisition of existing housing	Under \$25,000	5 years
	\$25,000 to \$50,000	10 years
	Over \$50,000	15 years
Rehabilitation involving refinancing		15 years

Updated Property Standards

Respondents should review the following regulatory updates, as applicable to their proposed project, prior to application:

- ☐ 24 CFR 92.206 (Apr. 20, 2025) Eligible Project Costs
- ☐ 24 CFR Part 3280 (Sept. 15, 2025) Manufactured Home Construction and Safety Standards. Final Rule 2024 provided substantial updates.
- ☐ 24 CFR 92.251(f)(3) (Apr. 20, 2025) Ongoing inspections of HOME-assisted rental housing.
- ☐ 24 CFR 92.252 (Apr. 20, 2025) Qualification as affordable housing: Rental housing.

Energy Efficiency

Newly constructed housing shall qualify as affordable housing under this part only if it meets the energy efficiency standards promulgated by the Secretary in accordance with Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709).

Disaster mitigation

Where relevant, the housing must be constructed to mitigate the impact of potential future disasters (e.g., earthquakes, hurricanes, flooding, and wildfires), in accordance with State and local codes, ordinances, or other State and local requirements, and such other requirements as HUD may establish.

PART 6. PROPOSAL REQUIREMENTS, EVALUATION AND SCORING**Organization of the Proposal**

This section outlines the information that must be included in the Proposal. Information should be organized in the same order as the items in this section. Be sure to include any supplemental information requested in PART 2 or PART 3, as relevant.

Note: Respondents who have already secured funding from a previous program year but are requesting an extension to that funding should state clearly in the proposal that Respondent is seeking an extension and a reasonable justification for the extension. Requests for an extension of funding should include any of the below information *which has changed since their most recent submission*, especially any changes to the: funding amount, HOME unit mix, development budget, affordability/rent plan (including updates based on changes in rent/income limits,) any changes to the site, site control or building plans. Extensions will be provided on a project by project basis. The County must commit its HOME funds within 24 months after the date that HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnerships Agreement, ("Grant Agreement.")

Cover Page (Attachment A) & Transmittal Letter.

Each response to the NOFA should be accompanied by a cover page (see **Attachment A**) and a one-page letter of transmittal that:

1. Summarizes key points of the proposal;
2. Is signed by an officer of the company authorized to commit the Respondent to the obligations contained in the proposal;
3. Names the owner, sponsor and developer of the proposed project, as described in 24 CFR 92.300(a)(2) through (5); and
4. Includes a phone number, mailing address, fax number, and e-mail address for the Respondent's contact person.

Table of Contents.

Include a Table of Contents at the beginning, which clearly outlines the contents of the proposal. Table should include page numbers, links, or other means of navigating the document easily.

Company Information.

Provide information related to Respondent company and any companies Respondent is proposing to use as subcontractors. Specifically, address the following:

1. Year the company was organized.
2. Proof of Respondent entity's authorization to operate in New York State.
3. Identification of company ownership.
4. Functions and location of Respondent's nearest regional office to Monroe County, New York. Identify the location of Respondent company headquarters.
5. Documentation of Minority and Women-Owned Business Enterprise (MWBE) and/or Disadvantaged Business Enterprise (DBE), if applicable.
6. Documentation of certified Service-Disabled Veteran-Owned Business (SDVOB) status or Veteran-Owned Small Business status (VOSB), if applicable. (State or federal certification.)
7. Total gross revenues of the company covering the last three years. The County reserves the right to request additional financial information during the proposal review process.
8. Anticipated growth of Respondent organization, including expansion of the client base and acquisitions.
9. Any conflicts of interest that may affect the County's potential selection of, or entering into an agreement with Respondent organization, especially,
 - a. Any agreements currently held between the Respondent organization and the County,
 - b. Any relatives of any employees of the Respondent who may be a member of or influence the selection committee, or
 - c. Any circumstances which are or may appear to be inconsistent with conflict of interest standards in 2 CFR 200.318(c) or 24 CFR 92.356 as is applicable.
 - d. Any disputes or litigations as a result of services provided to/for Monroe County, either through a direct contract with Monroe County or as a subcontractor to another entity contracting with Monroe County.

Experience and Programmatic Capacity.

Provide information that clearly demonstrates the Respondent company's prior experience and background (both business and technical) in engagements similar to this project. This section must include:

1. A list of all public sector clients in the State of New York during the past five (5) years. Include the following information for each public sector client:
 - a. Name and address of the client;
 - b. Dates of engagement for the client;
 - c. Approximate annual budget;
 - d. Name, telephone number, and email address of contact person; and
 - e. Any arrears or default on loan interest or balloon payments.
2. A list of all agreements either directly with Monroe County or as a subcontractor for another agency's agreement with Monroe County. Include the following information:
 - a. Name and address of the agency or Monroe County Department;
 - b. Services provided;
 - c. Dates of engagement;
 - d. Approximate annual budget; and
 - e. Name, telephone number, and email address of contact person.
3. Résumés for the key personnel to be involved in providing services to Monroe County. This section should highlight the expertise of the company and its personnel in carrying out the proposed project/activities.
4. Experience with both the proposed activity, and the proposed community or population to be served by the activity. Respondent should include the experience of the project's owner, sponsor, developer, and prime contractor, along with any consultants intended to supplement the Respondent's capacity.
5. How the Respondent's management procedures and quality control mechanisms will ensure that quality work is performed in strict adherence with HUD regulations.

Financial Capacity and Fiscal Control.

To demonstrate the financial capacity of the Respondent, the proposal should include:

1. Accountant-prepared financial statements for the past three fiscal years for the developer and sponsor. Must include accountant's endnotes/footnotes, opinion letter, and supporting schedules.
2. Complete federal income tax returns (IRS-990 full filing) for the sponsor and owner.
3. Documentation of all existing debt of the company, including name of lender, original amount and date of the loan, loan term, monthly payment amount, maturity date, and interest rate.
4. Interim financial statements less than 90 days old, including balance sheet and income statements, and interim financial statements dated approximately one year prior to most recent financial statement.

Respondent's proposal.

Respondent must submit a detailed Project Narrative and Work Plan that describes:

1. The project as a whole. If the proposal is for a HOME eligible portion of a larger project, initiative or program, the proposal should briefly describe the broader effort, and the role of the HOME-eligible project(s) within that effort.

2. HOME Eligible Activities that will be part of the project. Unless otherwise excluded in this NOFA, eligible costs and activities are those listed in 24 CFR 92.206 Eligible project costs and 24 CFR 92.205(a) Eligible activities.
3. How the Respondent determined that the proposed project is necessary, desirable, and correctly scaled for the community or service area. The narrative should reference the data requested in the Proposal Requirements sections of the appropriate activity in this NOFA.
4. All committed and proposed funding, leveraged from all other sources for the project.
5. A critical timeline for project completion and the drawing down of the funds, including proposed goals and key dates for the respective accomplishments. This timeline must include any outstanding administrative processes, such as entity formation and site control, along with the proposed activities.
6. Respondent's long-term goals and objectives related to housing and services, as well as specific activities and strategies designed to achieve those goals and objectives.
7. The local community's commitment to and support of Respondent organization, including any financial support.
8. How the proposal fits with the needs and gaps identified in the County's Five-Year Consolidated Plan.

Detailed Development Proposal

1. If a specific site has not been selected, describe the site selection process, the proposed general location and how Respondent will obtain site control. Include a timeline with any known and estimated milestones;
2. If a specific site has been selected, describe the site, the proposed location and how Respondent will obtain site control, if not already in place;
3. If a specific site has been selected, document how the proper zoning and utilities will be made available, if not already in place;
4. A list of services near the site and/or available onsite;
5. Pictures or map of project site;
6. Preliminary site plan and renderings/drawings;
7. Description of rehabilitation or construction to be performed;
8. Preliminary budget and operating proforma demonstrating sustainability throughout development and the compliance period;
9. An independent cost estimate, or an independent cost analysis if the General Contractor has already been selected.
10. Approved or preliminary Zoning or Planning approvals from host municipality; and
11. Copy of Phase 1 (and 2, if applicable) Environmental Site Assessments. (See **Attachment E - Environmental Review Checklist** for additional requirements.)

Cost Proposal.

Respondent must provide a detailed budget that represents what it requires in order to develop a completed project as proposed. Proposal should include both the total project cost, and the portion to be funded by HOME. Costs should be broken into sufficient detail to determine the allowability, allocability and reasonableness of all costs. Please note that the County reserves the right to negotiate any and all proposed costs.

Certifications Regarding Debarment and Procurement Policy.

Respondents and proposed subcontractors must print, sign, and submit with the proposal **Attachment B – Certification Regarding Debarment, Suspension, and Responsibility and Certification Regarding Monroe County Procurement Policy and Consequences for Violation.**

Equal Pay Certification.

Respondents and proposed subcontractors must print, sign, and submit **Attachment C – Monroe County Equal Pay Certification.**

Insurance Certificates.

Respondent shall procure and maintain at their own expense until final completion of the work covered by the Contract, insurance for liability for damages imposed by law of the kinds and in the amounts hereinafter provided, issued by insurance companies authorized to do business in the State of New York, covering all operations under the Contract whether performed by the Respondent or by their subcontractors.

The successful Respondent shall furnish to the County a certificate or certificates of insurance in a form satisfactory to the County showing that it has complied with all insurance requirements set forth in the contract for services and that certificate or certificates shall provide that the policies shall not be changed or canceled until thirty (30) days written notice has been given to the County. Except for Workers' Compensation Insurance, no insurance required herein shall contain any exclusion of municipal operations performed in connection with the Contract resulting from this proposal solicitation. See **Attachment K – Monroe County Insurance Requirements** for more detailed requirements.

Exceptions to General Information for the Respondent.

For any exceptions to information requested in this NOFA, Respondent should include an explanation for the exception or omission. "Available upon request" is not a valid response to any information requested or required by this NOFA. Any information not included in the proposal or excepted in this section will be deemed omitted and may be grounds for rejection of the Proposal.

Certification.

Proposals should include a letter from an authorized corporate officer certifying the accuracy of the information provided and guaranteeing the proposed prices.

MWBE & SDVOB Utilization Plan.

Each Respondent shall prepare and submit **Attachment H - MWBE Utilization Plan** with its proposal. The Utilization Plan shall identify Certified Businesses, if known, that have committed to perform work in connection with the proposed project, as well as Respondent's plan or method for advertising subcontracting opportunities to such businesses.

Section 3 Utilization Plan.

The successful Respondent is required to ensure its compliance with the Section 3 regulations, including the compliance of all covered contractors and subcontractors. In addition to the signed **Attachment G - Developers Section 3 Acknowledgement Form**, Respondent will describe its plan for actively ensuring that all parties comply with Section 3, including:

1. An estimate of the amount of work that will be available for residents and businesses eligible under Section 3 of the Housing and Development Act of 1968.
2. Activities to facilitate the training and employment of Section 3 Residents.
3. Procedures for certifying qualified Section 3 Residents.
4. Activities/strategies to link contractors with capable Section 3 Businesses.

5. Procedures for communicating Section 3 goals and responsibilities to contractors (including but not limited to pre-bid conferences and the inclusion of Section 3 clauses/certifications in covered contracts.)
6. Procedures for monitoring and documenting compliance, efforts to achieve compliance, and barriers encountered.
7. Utilization of apprenticeship/training positions to facilitate hiring Section 3 workers.
8. Utilization of Section 3 business/employee databases.
9. Brief description of employee record management to ensure compliance with Section 3 recordkeeping requirements.
10. Training, employment, or contracting opportunities that will be provided in fulfilling the employment needs of the contract.
11. Proposed outreach efforts for employment, training, or contracting opportunities.
12. Any other “good faith” efforts that will contribute to meeting project benchmarks or supporting the goals of Section 3 in general.
13. Point of contact information for proposed project’s third-party monitoring consultant.

Organizational Documents

Every proposal should also include:

1. A signed **Attachment L – Statement of Assurances**.
2. An organizational chart of Respondent entity that includes the ownership/control structure of all entities to be involved in the development, ownership, sponsorship or management of the project, including any entities formed or to be formed for the sole purpose of the project.
3. A Board chart for the Respondent entity, including Board Member compensation, if any.
4. A description of any significant recent organizational changes.
5. A description of membership to organizations, including the Respondent entity’s relationship with other service organizations.

Other Attachments as Applicable.

Required attachments can be found in PART 8.

Evaluation

Selected personnel from the County will form the evaluation committee for this NOFA. It will be the responsibility of this committee to evaluate all properly prepared and submitted proposals and make a recommendation for award. Respondents should also be aware that any contract resulting from this NOFA is subject to prior approval by the Monroe County Legislature as well as any necessary HUD approvals. Successful Respondents will also be required to provide additional information, including but not limited to providing evidence that they have an active registration with the System for Award Management (“SAM”) pursuant to 2 CFR Part 25, as part of the contract approval process.

The rubrics found in **Attachment M – Scoring Rubrics** will provide the evaluation committee with a standardized guide for comparing proposals. The County reserves the right to reject any proposal which does not meet program requirements regardless of the rubric.

PART 7. RESERVATIONS & RIGHTS

The County reserves the right, at its sole discretion, to amend or withdraw this NOFA including any timeframes noted herein, upon notification to all Respondents, and in such case, the County shall have no liability for any costs incurred by any Respondent. The County may request additional information from any Respondent to assist in making its evaluation.

The proposal and all materials submitted with the proposal shall become property of the County and will be subject to NYS Freedom of Information Law. If any proprietary information is submitted with the proposal, it must be clearly identified as such and a request to keep such information confidential must be prominently included in the submission.

The County's support of a project, financially or otherwise, is contingent upon the project not deviating from the proposed project that was originally scored, ranked, and supported. The County reserves the right to withdraw or alter support, financial or otherwise, if changes to the project were not reviewed and approved in advance by the appropriate parties.

The County's continued support is not guaranteed and the County may withdraw or modify support, financial or otherwise, even if proposed changes are submitted, reviewed, and approved. If the project team intends to make changes to the project, in any manner (design, unit-mix, affordability, special populations to be served, services provided, loan and/or financing structure, etc.), the County's Community Development division shall be notified in advance of any planned changes to confirm the County's continued support for the project.

The County reserves the right to conduct any investigations necessary to verify information submitted by the Respondent and/or to determine the Respondent's capability to fulfill the terms and conditions of the NOFA contract document. The County reserves the right to visit a prospective Respondent's place of business to verify the existence of the company and the management capabilities required to administer the proposed project. The County will not consider Respondents that are in bankruptcy or in the hands of a receiver at the time of tendering a proposal or at the time of entering into a contract.

END OF DOCUMENT

PART 8. ATTACHMENTS

Attachment A - Proposal Cover Page

Attachment B - Certification Regarding Debarment, Suspension, and Responsibility

Attachment C - Monroe County Equal Pay Certification

Attachment D - HOME Rental Project Checklist

Attachment E - Environmental Review Checklist

Attachment F - Development Costs - Underwriting Supplement

Attachment G - Developers Section 3 Acknowledgement Form

Attachment H - MWBE Utilization Plan

Attachment I - HUD HOME Income Limits

Attachment J – HUD HOME Program Rents

Attachment K - Monroe County Insurance Requirements

Attachment L – Statement of Assurances

Attachment M – Bidder's Certifications

Attachment N – Scoring Rubrics

Attachment A: Proposal Application Cover Page

Monroe County, NY HOME Notice of Funding Availability

Project/Program Information

Project/Program Name: _____ Submission Date: _____

Project/Program Type (Mark with an 'X') : Development of or conservation of affordable rental housing: ☐
Production of affordable housing stock for first time homebuyers: ☐

Construction Type (Mark with an 'X') : New Construction: ☐
Rehabilitation: ☐

Applying as a (CHDO) Community Housing Development Organization (Yes/No): _____

Project/Program Address: _____

Town/Village & Zipcode: _____

Total HOME Funding Request: \$ _____ Total Project/Program Cost: \$ _____

Applicant Information (Owner Entity)

Applicant Name: _____

Applicant Address: _____

City, State & Zip: _____

UEI Number: _____

Contact Person: _____ Taxpayer ID#: _____

Contact Title: _____ Organization Type: _____

Email Address: _____ Phone Number: _____

Development Consultant, if applicable: _____

Project Specifics

Total Number of Project Units: _____

Proposed number of HOME Units: _____

Requested terms of HOME Loan: _____

Proposed Unit Mix						
Unit Size	AMI					Total
	0-30%	31-50%	51-60%	61-80%	>80%	
Studio						
1BR						
2BR						
3BR						
4BR+						
Total						

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND RESPONSIBILITY**

The undersigned certifies, to the best of his/her knowledge and belief, that the Contractor and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
2. Have not within a three-year period preceding this transaction/ application/proposal/contract/ agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
4. Have not within a three-year period preceding this transaction/ application/proposal/contract/ agreement had one or more public transactions (Federal, State or local) terminated for cause or default.

CERTIFICATION REGARDING MONROE COUNTY PROCUREMENT POLICY AND CONSEQUENCES FOR VIOLATION

The undersigned certifies to the best of his/her knowledge and belief, that the Contractor and its principals:

5. Have read and understand the Monroe County Procurement Policy and agree to abide by its terms (<http://www.monroecounty.gov/purch-overview.php>);
6. Understand that any violation of the Monroe County Procurement Policy may result in the exclusion of any response to a public bid, Request for Proposals (RFP) or Request for Qualification (RFQ) submitted on our behalf; and
7. Understand that any contract or agreement entered into subsequent to a violation of this policy during the procurement process is null and void.

Date: _____

[Print Name of Contractor]

By: _____

[Signature]

[Print Name]

MONROE COUNTY EQUAL PAY CERTIFICATION

The undersigned certifies, to the best of his/her knowledge, that the Contractor:

1. Compensates its employees in compliance with the Federal Equal Pay Act, 29 USC § 206, and the New York State Labor Law § 194, as amended from time to time ("Equal Pay Laws").
2. Has not been subject to an adverse finding by the United States Department of Labor, New York State Department of Labor or a court of law with regard to the Equal Pay Laws within the previous five years ("Adverse Finding"). If the Contractor has been subject to an Adverse Finding, the Contractor shall immediately disclose in writing the outcome and circumstances of such Adverse Finding to the County Purchasing Manager at the following address: Room 200, County Office Building, 39 West Main Street, Rochester, New York 14614.
3. Is not the subject of any currently pending claims involving the Equal Pay Laws. If the Contractor is the subject of any currently pending claims involving the Equal Pay Laws, the Contractor shall immediately disclose in writing to the County's Purchasing Manager the nature and status of such claims.
4. Acknowledges that the violation of one or more of the Equal Pay Laws or its filing of a false or misleading Monroe County Equal Pay Certification during the term of the Contractor's agreement with Monroe County may constitute grounds for the County in its sole discretion to immediately terminate such agreement with the Contractor and for determining the Contractor to be not qualified to participate in future Monroe County contracts.
5. Acknowledges that the Contractor will cooperate with the County's compliance monitoring and periodic auditing of Certifications provided by the Contractor to the County.

Date: _____

[Print Name of Contractor]

By: _____

[Signature]

[Print Name]

HOME PROGRAM CHECKLIST
Project Proposals Due By 4:00 p.m. FRIDAY, AUGUST 7, 2026

New projects should include a complete proposal using the outline below as a guide. Returning projects should include an update of the information below in bulleted or brief summary format, highlighting changes since last year. Complete proposals will be scored using the attached scoring criteria.

This process is open to developers intending to participate in the NYS HCR unified funding round, as well as developers seeking primary funding from other sources.

1. Funding Request Summary

- Amount of County HOME Funds Requested
- Indicate if Project will be a Community Housing Development Organization (CHDO) Project (Y/N)
- Indicate if this Project Received a County Funding Commitment in the Past
- Name(s) of Project Applicant(s) and Project Owner(s)
- List Development Team Members and Experience
- Project Applicant and Project Owner Federal Tax ID and DUNS numbers
- Leveraged/Match Funding

2. General Project Information

- General Project Description including Project Name, Location and Address
- Total Project Units (number of bedrooms per unit type)
- Number of Accessible Units and Number of Adaptable Units (*not percentage*)
- Number of HOME Assisted Units
- Number of Low HOME rents; Number of High HOME rents; Fixed or Floating
- Target Population(s) Served
- Target Area Median Income (AMI) Band(s)
- Section 3 and M/WBE Goals
- A Signed Section 3 Acknowledgement Form
- Build America Buy America
- Community Support and Opposition
- Proposed project timeline
- Market Study (*current*)
- Affirmative Marketing Plan

3. Development Budget

- Total Project Cost – Independent Cost Estimate or Analysis
- Site Acquisition Cost (if applicable)
- Soft Costs
- Construction Cost, Sources and Uses
- Davis Bacon Wage Rates ((if applicable)
- Working Capital
- Project Reserves
- All Other Existing & Pending Funding Commitments

4. Affordability/Rent Plan

- Affordability period
- Number of Units with Rental Subsidy
- Gross Rent (include Contract Rent and Utility Allowance) <https://tools.huduser.gov/husm/uam.html>
- Projected Cash Flow

5. Building & Site Information

- Status of Site Control
- Any Environmental Issues or Concerns
- Status of Zoning Compliance and Public Approvals to Date
- PILOT Agreement (if applicable)
- Site Plan/Design Documents (Returning projects should submit if design has changed since last year)
- See attached Environmental Review checklist and provide all applicable documentation



Department of Planning & Development

Monroe County, New York

Adam J. Bello
County Executive

Ana J. Liss
Director

Monroe County Community Development Environmental Review Checklist

GENERAL INFORMATION	
Municipality	
Contact (Name & Title)	
Address	
Phone	
Email	

INSTRUCTIONS: All required areas below should be submitted with application or provide a date that items will be completed and submitted.

EVERY SINGLE PROJECT REQUIRES

Included (please check box)

- ☐ A detailed project description. Date_____
- ☐ Project location address, tax ID number and site location map, as applicable. Date_____
- ☐ If a project is in a special flood hazard area, proof of flood insurance is required. Date_____
- ☐ Provide a letter from SHPO if your project meets the requirements listed below. Date_____

MOST PROJECTS REQUIRE

Included (please check box)

- ☐ Site plan (**11x17, minimum**) showing the exact location of project activities on the subject parcel(s). Site plans for projects on parcels that contain federal or state wetlands must include a wetland delineation.
Date_____
- ☐ A list of permits and approvals required by town/village, county or state agencies. **Copies of permits must be submitted to Community Development before construction can begin and funds are released.**
Date_____
- ☐ Copies of resolutions approving rezoning and variances. These are required before funding can be released. Date_____
- ☐ If the project involves new construction, ground disturbance, rehabilitation, or a change in appearance to a building more than 50 years old, and/or is in or adjacent to an historic district or property, provide a copy of all communications with SHPO (request for review and SHPO response).
Date_____

Compliance with the State Environmental Quality Review Act - Please refer to the SEQR website at: <https://dec.ny.gov/regulatory/permits-licenses/seqr> (check one and please note these materials must be returned to Monroe County 30 days from the date of award):

- ☐ For Unlisted or Type I Projects to be undertaken by a municipality. Please include Monroe County as an involved agency in a coordinated review pursuant to SEQRA. Date_____
- ☐ For Type II Projects to be undertaken by a municipality. Please provide a memo or copy of a resolution documenting that the Project is a Type II action pursuant to SEQRA. Date_____
- ☐ For Unlisted or Type I Projects to be undertaken by a project sponsor. Please provide either: (1) evidence that another agency complied/will comply with the provisions of SEQRA and has included Monroe County therein as an involved agency; or (2) a completed Part 1 Environmental Assessment Form. Date_____
- ☐ For Type II Projects to be undertaken by a project sponsor. No further documentation is required at this time.

HOUSING PROJECTS ALSO REQUIRE

Included (please check box)

- ☐ A Copy of the Phase 1 and 2 Environmental Site Assessments if conducted (appendices not required initially, but may be required at a later date). Provide other environmental assessments if applicable.
Date_____
- ☐ If the project is within 1,000 feet of a major roadway or 3,000 feet of a railroad, a noise assessment will be conducted by the County and design modifications (e.g. higher grade windows or air conditioning) may be required.
Date_____

If you have questions regarding the environmental review associated with your project contact Steve Olufsen, Senior Planner, at 585-753-2027 or solufsen@monroecounty.gov.



Development Costs

Project Name - : 0 Units

Enter data in
green cells only

Cost	Amount	Comment
Acquisition Costs		
Land		
Existing Structures		
Site Work Costs (not included in construction contract)		
Demolition/Clearance		
Site Remediation		
Off-Site Costs (these are not HOME eligible)		
Improvements		
Construction Equipment (HOME eligible portion)		
Construction Equipment (non-HOME eligible portion)		
Construction / Rehabilitation Costs (construction contract)		
Site Work Included in Construction Contract		
Construction Equipment (HOME eligible portion)		
Construction Equipment (non-HOME eligible portion)		
New Construction		
Rehabilitation		
General Requirements		
Builder's Overhead		
Builder Profit		
Performance Bond Premium		
Construction Contingency		
Architectural and Engineering Fees		
Architect Fee -- Design		
Architect Fee -- Construction Supervision		
Engineering Fees		
Other Owner Costs		
Project Consultant Fees		
Owner Attorney Fees (initial closing)		
Owner Attorney Fees (final closing)		
Syndication Costs		
Other Owner Organizational Expenses		
Market Study		
Survey		
Appraisal Fees		
Environmental Studies		
Capital Needs Assessment		
Tap Fees and Impact Fees		
Building Permits and Fees		
Tax Credit Fees		
Accounting / Cost Certification / Audit		
Soft Cost Contingency		
Interim Financing Costs		
Construction Period Insurance		
Construction Period Taxes		
Construction Interest (see calculation below)	\$0	
Construction Loan Origination Fee		
Construction Loan Legal Fees		
Other Construction Loan Fees		
Bond Costs of Issuance		
Title and Recording Costs (for the construction loan)		
Permanent Financing Costs		
Credit Report		

Lender Origination / Financing Fee		
Lender's Counsel Fee		
Other Lender Fees		
Title and Recording Costs (for permanent financing)		
Establish Tax and Insurance Escrows		
Developer's Fee		
Initial Project Reserves		
Initial Rent-Up Reserve (not HOME eligible)		
Initial Operating Reserve (HOME-eligible portion)		
Initial Operating Reserve (non-HOME-eligible portion)		
Initial Debt Service Reserve (not HOME eligible)		
Initial Replacement Reserve (not HOME eligible)		

Project Administration and Management Costs		
Marketing/Management		
Operating Expenses		
Furniture, Fixtures & Equipment		
Tenant Relocation Costs		
Other Development Costs		

Total Development Costs	\$0
--------------------------------	------------

Construction Interest Calculation		
Construction Loan Amount		
Interest Rate		
Estimated First Draw Amount		
Months of Construction		
Months Const. Loan Outstanding After Completion		
Average Outstanding Balance		

Interest on first draw, during construction period	\$0
Interest on remaining funds, during construction	\$0
Construction interest after completion	\$0
Total Construction Interest	\$0

Notes:

Construction Contingency is 0%
 General Requirements is 0% of construction costs
 Builder's Overhead is 0% of construction costs
 Builder Profit is 0% of construction costs

Developer's Fee is 0% of total development cost (excluding developer fee and initial reserves)

Later in this template, you will calculate the maximum allowable HOME investment and the minimum required number of HOME-assisted units. These calculations take place on the Cost Allocation tab. For these calculations, you need to have identified any development costs that are not HOME-eligible. List the ineligible costs here (these costs can be funded from other sources of funds,

Costs that Are Not HOME-Eligible	Amount	Comment
Construction Equipment (non-HOME eligible portion)	\$0	
Off-Site Costs (these are not HOME eligible)	\$0	
Initial Rent-Up Reserve (not HOME eligible)	\$0	
Initial Operating Reserve (non-HOME-eligible portion)	\$0	
Initial Debt Service Reserve (not HOME eligible)	\$0	
Initial Replacement Reserve (not HOME eligible)	\$0	
Other HOME-Ineligible Cost 1	\$0	
Other HOME-Ineligible Cost 2	\$0	
Other HOME-Ineligible Cost 3	\$0	
Other HOME-Ineligible Cost 4	\$0	

Total Non-HOME-Eligible Costs	\$0
--------------------------------------	------------

Upon completing this tab, proceed to the *Repl Reserve* tab

DEVELOPER'S SECTION 3 ACKNOWLEDGEMENT FORM

DUE AT TIME OF FUNDING APPLICATION



OVERVIEW – Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community.

Project Name: _____

1. SECTION 3 ACKNOWLEDGEMENTS

You, as the Owner/Developer through the General Contractor, agree to develop procedures designed to implement Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. § 1701u (2014) as implemented by 24 CFR § 75 (together "Section 3" implemented 11/2020) in order to ensure that economic opportunities, most importantly employment, generated by HUD funds utilized in this project shall be directed to low and very low-income persons. Additional Section 3 requirements may be found at <https://www.hudexchange.info/programs/section-3/> & <https://www.hudexchange.info/programs/section-3/section-3-guidebook/background/final-rule/>

In order to be eligible for funding you must make a commitment to the following:

1. To the greatest extent feasible, you must meet the Section 3 benchmark goals provided below:

- 25% of total labor hours worked on project (including by subcontractors and subrecipients) performed by "Section 3 workers", including;
- 5% of total labor hours worked on project (including by subcontractors and subrecipients) performed by "Targeted Section 3 workers".

2. You must add Section 3 requirements language in All contracts, subcontracts or subrecipient agreements.

3. You must ensure contracts for work awarded are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or non-metropolitan county) in which the project is located.

4. Where feasible, priority for contracting opportunities should be given to:

- (i) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and
- (ii) YouthBuild programs.

5. Provide regular reports to Monroe County through the prime contractor or designee, your Section 3 performance metrics and all efforts made to reach Section 3 goals including a narrative of why benchmarks were not met.

6. Provide documentation to support your efforts to reach section 3 goals including, copies of all advertisements and flyers, listings of business assistance agencies, minority contractors, associations, community organizations, etc. who you contacted to inform of contracting opportunities.

Non-compliance with the Section 3 regulations may result in HUD and/or Monroe County implementing appropriate sanctions including withholding contract payments, terminating contracts or debarment/suspension of Awardee from future Section 3 eligible award contract(s) for a determined period of time.

DEVELOPER'S SECTION 3 ACKNOWLEDGEMENT FORM
DUE AT TIME OF FUNDING APPLICATION



2. SECTION 3 DEFINITIONS

Section 3 business concern means:

1. A business concern meeting at least one of the following criteria, documented within the last six-month period:
 - I. It is at least 51 percent owned and controlled by low- or very low-income persons;
 - II. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
 - III. It is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.
2. The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.
3. Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the contract.

Section 3 worker means:

1. Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:
 - I. The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
 - II. The worker is employed by a Section 3 business concern.
 - III. The worker is a YouthBuild participant.
2. The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.
3. Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

Targeted Section 3 worker:

1. Targeted Section 3 worker means Section 3 worker who is:
 - I. A worker employed by a Section 3 business concern; or
 - II. A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - a. Living within the service area or the neighborhood of the project, as defined in §75.5; or
 - b. A YouthBuild participant.

I am authorized to sign on behalf of developer, and agree to actively pursue full implementation of this program.

Business Name: _____

Job Title: _____

Signature: _____

Print Name: _____

Date: _____

UEI Number: _____

***For questions or assistance regarding the Section 3 requirements please contact Sadie Geisler,
Community Development Specialist at sarahgeisler@monroecounty.gov***

PRIME CONTRACTOR DETAILED M/WBE UTILIZATION PLAN
(DUE AT THE TIME OF FUNDING APPLICATION)

SECTION 1: Project Information

PROJECT NAME:			
PROJECT BEGIN:		END DATE:	
CONSULTANT/CONTRACTOR NAME:			
REPRESENTATIVE ORGANIZATION NAME:			
PROJECT ADDRESS:			
	(CITY)	(STATE)	(ZIP)
FEDERAL ID or IRS NUMBER:		SHARS ID NUMBER:	
CONTRACT AMOUNT:			
CONTACT PHONE NUMBER:		EMAIL:	
AUTHORIZED SIGNATURE:			
SIGNATORY'S NAME & TITLE:			
	PRINT NAME AND TITLE		

SECTION 2: Projected M/WBE Goals Summary

DOLLAR AMOUNTS

Value of prime contract (\$):		MBE goal for this contract (\$):	
WBE goal for this contract (\$):		Combined M/WBE contract goal (\$):	
% of contract set aside for MBE:		% of contract set aside for WBE:	

EMPLOYEES/HOURS

Total number of employees projected:		Total number of hours projected:	
Minority employee goal for this contract:		Minority hours set aside for this contract:	
Female employee goal for this contract:		Female hours set aside for this contract:	

For Internal Office Use Only

IS THIS PLAN COMPLIANT/SUFFICIENT? Y/N		DATE OF REVIEW	
SIGNATURE:			
PRINT NAME AND TITLE:			

PLEASE PRINT AND RETAIN A COPY OF THIS PLAN IN THE PROJECT FILE FOR REPORTING

SECTION 3: Proposed M/WBE Businesses Information

(Check all that apply)

☐ MBE

☐ WBE

☐ Veteran Owned

☐ Section 3

FIRM NAME:

ADDRESS:

(CITY)

(STATE)

(ZIP)

BUSINESS TYPE:

CONTRACT AMOUNT:

DESCRIPTION OF
WORK:

☐ MBE

☐ WBE

☐ Veteran Owned

☐ Section 3

FIRM NAME:

ADDRESS:

(CITY)

(STATE)

(ZIP)

BUSINESS TYPE:

CONTRACT AMOUNT:

DESCRIPTION OF
WORK:

☐ MBE

☐ WBE

☐ Veteran Owned

☐ Section 3

FIRM NAME:

ADDRESS:

(CITY)

(STATE)

(ZIP)

BUSINESS TYPE:

CONTRACT AMOUNT:

DESCRIPTION OF
WORK:

Please duplicate this page for any additional M/WBE Businesses included in your bid

MONROE COUNTY (ROCHESTER MSA) FY 2026 AREA MEDIAN INCOME (AMI) LIMITS*(HUD Public Housing / Section 8, CDBG & HOME Programs)*

	<u>HOUSEHOLD SIZE</u>			
<u>% AMI</u>	<u>1 PERSON</u>	<u>2 PERSONS</u>	<u>3 PERSONS</u>	<u>4 PERSONS</u>
30%	\$22,500	\$25,700	\$28,900	\$33,000
50%	\$37,450	\$42,800	\$48,150	\$53,500
60%	\$44,940	\$51,360	\$57,780	\$64,200
80%	\$59,950	\$68,500	\$77,050	\$85,600
100%	\$74,900	\$85,600	\$96,300	\$107,000
HHS FPL	\$15,960	\$21,640	\$27,320	\$33,000
<u>% AMI</u>	<u>5 PERSONS</u>	<u>6 PERSONS</u>	<u>7 PERSONS</u>	<u>8 PERSONS</u>
30%	\$38,680	\$44,360	\$50,040	\$55,720
50%	\$57,800	\$62,100	\$66,350	\$70,650
60%	\$69,360	\$74,520	\$79,620	\$84,780
80%	\$92,450	\$99,300	\$106,150	\$113,000
100%	\$115,600	\$124,150	\$132,700	\$141,250
HHS FPL	\$38,680	\$44,360	\$50,040	\$55,720

INCOME CATEGORIES

EXTREMELY LOW-INCOME:	Between 0% and 30% of Area Median Income (AMI)
VERY LOW-INCOME:	Between 31% and 50% of Area Median Income (AMI)
60% INCOME LIMIT:	Between 51% and 60% of Area Median Income (AMI)
LOW-INCOME (Moderate):	Between 61% and 80% of Area Median Income (AMI)

The above revised limits are based on the HUD estimates of Area Median Income (AMI) of the metropolitan statistical area/county for Fiscal Year 2026-27. As required by statute, a "low-income" household is defined as 80 percent of the family (household) AMI; a "very low-income" household is defined as 50 percent of the family (household) AMI; the 60% income limit is defined as 60 percent of the family (household) AMI; and an "extremely low-income" household is defined as 30 percent of the family (household) AMI, with adjustments for family size. As authorized by legislation, adjustments also have been made for areas of unusually high or low income. Income limits are adjusted for family size so that larger families have higher income limits.

Effective Dates of HUD FY-2026 Income Limits & HHS Federal Poverty Level Guidelines:

HUD Section 8 Program and Public Housing: Effective May 01, 2026.

HUD Home Investment Partnerships (HOME) Program: Effective June 1, 2026

HHS FPL - U.S. Department of Health & Human Services (HHS) Federal Poverty Level (FPL): Effective January 13, 2026

Last Updated: 05/13/2026

MONROE COUNTY (ROCHESTER MSA) 2026 HUD HOME PROGRAM RENT LIMITS

LIMITS BELOW ARE MAXIMUM GROSS RENT: Rent paid by the tenant including Utility Allowance*

UNIT SIZE:	SRO (75%)	0 BEDROOM	1 BEDROOM	2 BEDROOMS
Low HOME Rent:	N/A	\$936	\$1,003	\$1,203
High HOME Rent:	\$837	\$1,116	\$1,256	\$1,543
	3 BEDROOMS	4 BEDROOMS	5 BEDROOMS	6 BEDROOMS
Low HOME Rent:	\$1,391	\$1,552	\$1,712	\$1,872
High HOME Rent:	\$1,775	\$1,960	\$2,144	\$2,328

*Housing providers **may** use RHA utility allowances, or submit their own to Monroe County for approval. RHA publishes its utility allowance standards at <https://www.rochesterhousing.org/hcv-and-psh-program-standards>

Effective June 1, 2026

For Information Only:

UNIT SIZE:	SRO (75%)	0 BEDROOM	1 BEDROOM	2 BEDROOMS
Fair Market Rent:	\$837	\$1,116	\$1,256	\$1,573
50% Rent Limit:	N/A	\$936	\$1,003	\$1,203
65% Rent Limit:	N/A	\$1,198	\$1,284	\$1,543
	3 BEDROOMS	4 BEDROOMS	5 BEDROOMS	6 BEDROOMS
Fair Market Rent:	\$1,895	\$2,083	\$2,395	\$2,708
50% Rent Limit:	\$1,391	\$1,552	\$1,712	\$1,872
65% Rent Limit:	\$1,775	\$1,960	\$2,144	\$2,328

Occupancy requirements: HOME "Program" Rule. Ninety (90) percent of HOME Program funds for rental housing and HOME tenant-based rental assistance must be used to assist tenants with incomes less than or equal to 60% of the area median income. This program rule applies to all HOME funds expended within each fiscal year.

Limits above are effective from June 1, 2026 to May 30, 2027 unless otherwise published by HUD. HUD will publish the HOME rent limits on an annual basis. The rent limits do not apply to any rental assistance or subsidy payment provided under a Federal, State, or local rental assistance or subsidy program.

Maximum rent due. If a low- or very low-income family is participating in a program where the family pays as a contribution toward rent no more than 30 percent of the family's monthly adjusted income or 10 percent of the family's monthly income, then the maximum rent due from the family is the family's contribution under that program. All other HOME units must have rent that meet the requirements of Low HOME rent or High HOME rent below.

Low HOME rent limits. In rental projects with five or more HOME-assisted rental units, at least **20 percent of the HOME-assisted units must be occupied by very low-income families (less than 50% AMI.)**

- The rent does not exceed the lesser of:
 - Thirty (30) percent of the annual income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, or
 - The fair market rent; OR
- The rent contribution of the family is not more than 30 percent of the family's adjusted income; OR
- The unit is a LIHTC unit and has rents not greater than the gross rent for rent-restricted residential units as determined under 26 U.S.C. 42(g)(2).

High HOME rent limits. The rent does not exceed the lesser of:

- The fair market rent for existing housing for comparable units in the area as established by HUD; OR
- Thirty (30) percent of the adjusted income of a family whose annual income equals 65 percent of the median income for the area, as determined by HUD.

Last updated: 7/13/2026

Monroe County Summary of Vendor Insurance Requirements

1. Provide ACORD Certificate of Insurance Form:

Certificate Holder Information:

Monroe County
39 W. Main St., Room 200
Rochester, NY 14614
Attn: Community Development

2. Provide the following insurance coverage:

A. General Liability Insurance

- 1) \$1 million per occurrence
- 2) \$3 million aggregate
- 3) Name **Monroe County** as additional insured and provide additional insured endorsement showing same (NOTE: ACORD Form alone is INSUFFICIENT for additional insured proof)
 - a) X appropriate additional insured column.
- 4) If aggregate coverage is less than \$3 million:
 - a) Excess or umbrella coverage in the amount to provide \$3 million total
 - b) Excess/umbrella coverage must name **Monroe County** as additional insured and provide additional insured endorsement showing same.
- 5) Name these entities as additional insureds along with Monroe County as appropriate: Monroe County Community Development, Monroe County Airport Authority, Rochester-Monroe County Youth Bureau, Monroe County Pure Waters Districts.
- 6) Name other entities (such as NYS or grant funders) as additional insureds if required by statute or grant agreement.

B. Professional Liability Insurance (if applicable)

- 1) \$1 million per occurrence
- 2) \$3 million aggregate
- 3) DO NOT name Monroe County as additional insured.

C. Automobile Liability Insurance

- 1) \$1 million per occurrence for bodily injury and property damage
- 2) X appropriate additional insured column.
- 3) Name **Monroe County** as additional insured and provide additional insured endorsement showing same (NOTE: ACORD Form alone is INSUFFICIENT for additional insured proof)

D. Workers Compensation Insurance (www.wcb.ny.gov) *Provide one of these certificates:

- 1) C-105.2 (or U-26.3)
 - 2) SI-12 (or GSI 105.2)
 - 3) CE-200
- NOTE: ACORD Form alone is INSUFFICIENT

E. Disability Benefits Insurance (www.wcb.ny.gov) *Provide one of these certificates:

- 1) DB-120.1
 - 2) DB-155
 - 3) CE-200
- NOTE: ACORD Form alone is INSUFFICIENT

Attachment L – Statement of Assurances

The Respondent hereby assures and certifies with respect to this submission that:

1. It possesses legal authority to submit a proposal and to execute a program or project.
2. Its governing body has duly adopted or passed as an official act, a resolution, motion or similar action authorizing the person(s) identified as the official representative of the Respondent to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person(s) identified as the official representative of the Respondent to act in connection with the submission of the final statement, and to provide such additional information as may be required.
3. It has developed its submission to give maximum feasible priority to activities that benefit low-income families.
4. Its chief executive officer (or other officer of the Respondent) certifies that no action will occur that could be choice limited with regard to an Environmental Review and that all activity with respect to the proposed development will cease until the Environmental Review process has been completed and a Release of Funds has been issued by the U.S. Department of Housing & Urban Development.
5. Any award received will be conducted and administered in compliance with the statutes, regulations, requirements and laws stated in the Notice of Funding Availability (NOFA), including but not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
 - b. Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provisions of brokerage service;
 - c. Section 282 (42 U.S.C. 12832) of the HOME Investment Partnerships Act, at Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, (42 U.S.C. 12701 et seq), and the regulations issued pursuant thereto (24 CFR Part 5 Subpart A and 24 CFR 92.350);
 - d. Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations at 24 CFR Part 135;
 - e. Executive Order 11246, as amended by Executive Orders 11375 and 12086, and implementing regulations issued at 41 CFR Chapter 60;
 - f. Executive Order 11063, as amended by Executive Order 12259, and implementing regulations at 24 CFR Part 107;
 - g. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
 - h. The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
 - i. The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and the implementing regulations at 24 CFR 42, 49 CFR 24 and 24 CFR 92.353;
 - j. Anti-displacement and relocations plan requirement of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
 - k. Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended;
 - l. Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
 - m. The regulations, policies, guidelines, and requirements of OMB Circular Nos. A-128 and A-133 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - n. The Americans with Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101 et seq.)

- 6.** The conflict-of-interest provisions of 24 CFR 92.356 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipients which are receiving funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification.
- 7.** It will comply with the provisions of the Hatch Act that limits the political activity of employees.
- 8.** It will give HUD, and any authorized representative from the County access to, and the right to, examine all records, books, papers, or documents related to the grant.
- 9.** It will comply with the lead paint requirements of 24 CFR Part 35 Subpart B.
- 11.** It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally-assisted program.
- 12.** It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended as well as with other applicable laws.
- 13.** It will comply with all relevant sections of 2 CFR Part 200 of the Office of Management and Budget Guidance for Federal Financial Assistance.
- 14.** It will comply with Title IX, Subtitle A of the Infrastructure Investment and Jobs Act of 2021, Build America, Buy America (P.L. 117-58 § 70901 *et seq.*), implementing regulations at 2 CFR Part 184 as interpreted by HUD Notice CPD-2025-01, and any applicable implementing regulations when published for effect.

Name: _____ Title: _____

Signature: _____ Date: _____

Notary: _____

Name: _____ Title: _____

Signature: _____ Date: _____

Notary: _____



REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF BIDDERS

REVISED 4/2026

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Clause

1. Non-segregated Facilities
 2. Independent Price Determination
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 4. Section 3 Provisions
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 7. Small and M/WBE Utilization
 8. Bidder's Declaration & Signature
-

1. Non-segregated Facilities

(Applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to **Equal Employment Opportunity Clause** in the EEO Certification which is part of the Bid Proposal.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms, and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

- (1) Obtain identical certifications from the proposed subcontractors;
- (2) Retain the certifications in its files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods)

2. Independent Price Determination

(a) The bidder certifies that-

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to- (i) those prices; (ii) the intention to submit an offer; or (iii) The methods or factors used to calculate the prices offered.

(2) The prices in this offer have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory-

(1) Is the person in the bidder organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to paragraphs(a)(1) through (a)(3) of this provision; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to paragraphs(a)(1) through (a)(3) of this provision

[insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization]

(ii) As an authorized agent, does certify that the principals named in subdivision(b)(2)(i) of this provision have not participated, and will not participate, in any action contrary to paragraphs(a)(1) through (a)(3) of this provision; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs(a)(1) through (a)(3) of this provision.

(c) If the bidder deletes or modifies paragraph (a)(2) of this provision, the bidder must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

3. Equal Employment Opportunity

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin, such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training,

including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations & relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: **Provided, however,** That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own

employment practices when it participates in federally assisted construction work: **Provided,** That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally-assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

4. Section 3 Provisions

(For contracts greater than \$300,000)

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, to the greatest extent feasible, be directed to low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in **24 CFR part 75**, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 75 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and participants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.

E. The contractor will certify that any vacant employment positions, including training positions that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.

F. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible but not in derogation of compliance with Section 7(b).

_____ for contracts under \$300,000, the contractor certifies to make a good faith effort to hire Section 3 residents and Section 3 businesses of the project area to the greatest extent feasible.

5. Debarment and Suspension

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

(b) Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/ proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous

when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. Each participant is required to check the Non-procurement List prior to executing a contract. A participant may decide the method and frequency by which it determines this eligibility of its principals.

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

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment,

declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

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

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List.

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

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

6. Non-Collusive Bidding

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor;

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

7. Small and M/WBE Utilization

Monroe County and HUD encourage the participation of small and minority business enterprises (MBE) and women's business enterprises (WBE) in all federally financed and assisted construction projects administered by the County.

In accordance with 24 CFR Part 85.1, the Contractor and all subcontractors must comply with the following requirements for contracting with these firms:

The contractor and all subcontractors will take affirmative steps to assure that small and M/WBE enterprises are used whenever possible. These affirmative steps include:

- Placing qualified small and M/WBE enterprises on solicitation lists;
- Assuring that small and M/WBE enterprises are solicited whenever they are potential sources;

- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and M/WBE enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and M/WBE enterprises;
- Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- If subcontracts are to be let, the subcontractor must also take the affirmative steps listed above.

The BIDDER certifies that he/she will take the affirmative steps to utilize small and M/WBE enterprises to the greatest extent feasible as members of the workforce, as subcontractors, and/or as suppliers on the project named above.

8. Bidder's Declaration & Signature

I have read the statements herein and the accompanying 'Federal Provisions and Requirements' necessary to undertake this project and certify that the information contained in these certifications and representations is accurate, complete and current. I also accept the responsibility of ensuring subcontractors adhere to the same and will obtain the required signatures from each subcontracted party indicating their compliance.

Name of Project: _____

Bidder's Name: _____

Company Name: _____

UEI* Number: _____

Fed. ID/IRS #: _____

Address: _____

Signature: _____

Date: _____

**(If you do not have a Unique Entity Identifier you must obtain one from SAM.Gov as all entities receiving federal funding are required to have)*

HOME Affordable Rental Housing Criteria

Qualifying Questions:

	YES	NO
Does the proposal demonstrate that funds will be expended on eligible activities and expenses under HOME?		
Does the proposal demonstrate that it satisfies 24 CFR Part 92 Subpart E - Income Targeting?		
Is proposal complete, including all requested information and documentation?		

Category:

Application Quality

Criterion	Max. Points	Weight	Score	Notes
Proposal is complete, including all requested information and documentation.		5		
Financial data for project sponsor is available and complete.		5		
Proposal includes adequate information on how the Respondent will meet Section 3/Targeted Section 3 goals and includes a Section 3 Acknowledgement Form.		5		
Proposal includes utilization of certified minority-owned, women-owned, and veteran-owned businesses located in Monroe County. Proposal describes a robust marketing methodology for employment outreach prior to and during construction.		5		
Project includes completed Environmental Checklist and has completed a Phase I Environmental Assessment, at minimum.		5		
Proposal demonstrates exceptional community engagement at all stages.		5		
Project costs are broken down in sufficient detail to demonstrate that they are allowable and reasonable, and to permit appropriate allocation of costs.		5		

Category:

Experience

Criterion	Max. Points	Weight	Score	Notes
Organization has high-quality experience in the type and scope of project.		10		
Organization has worked on a HUD-funded project in the past 5 years.		5		
Organization has a history of successfully collaborating with other organizations, specifically those listed in the proposal.		5		
Past performance on projects has demonstrated excellent property management, or proposal includes commitment of an organization with same.		5		

Category:

Financing/Planning

Criterion	Max. Points	Weight	Score	Notes
Project timeline is reasonable and project will be completed within funding and commitment deadlines.		10		
Has secured or conditionally secured tax credits and other local, county, state, and federal funding sources.		5		
Pro-forma is detailed, transparent, and demonstrates a robust sustainability strategy.		5		

Category:

Financial Capacity

Criterion	Max. Points	Weight	Score	Notes
Organization records show the applicant has the financial capacity to complete project.		10		
Organization records show that the applicant has the programmatic and/or personell capacity to complete project.		5		
Contractor/sponsor demonstrates the financial capacity to absorb predictable changes or delays.		5		

Category:

Project Quality

Criterion	Max. Points	Weight	Score	Notes
How many total units will be preserved or created as affordable rental housing units?		5		
How many individual services does the program propose to provide to residents of the proposed project? Does the respondent have an agreement and funding in place to provide these services?		5		
A high percentage of units are accessible. Accessible units meet requirements of other funding sources.		5		
Project will be located appropriately, near appropriate services such as public transportation, employment opportunities, and meets the standards in 24 CFR 92.202 (Site and Neighborhood Standards.)		5		
Site is designed to meet or exceed NYS energy and sustainable building standards, or preserves existing affordable housing.		5		
Cost per assisted unit is reasonable and comparable to similar projects funded under HOME.		5		

Category:

Alignment with Consolidated Plan and HOME

Criterion	Max. Points	Weight	Score	Notes
Assisted units will serve currently underserved populations in Monroe County, as demonstrated by data and narratives presented in the proposal.		10		
Project will significantly remove identified barriers to stable, high-quality housing.		10		

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HOME Production of affordable housing stock for First Time homebuyers

Qualifying Questions:

	YES	NO
Does the proposal demonstrate that funds will be expended on eligible activities and expenses under HOME?		
Does the proposal demonstrate that it satisfies 24 CFR Part 92 Subpart E - Income Targeting?		
Is proposal complete, including all requested information and documentation?		

Category:

Application Quality

Criterion	Max. Points	Weight	Score	Notes
Proposal is complete, including all requested information and documentation.		5		
Financial data for project sponsor is available and complete.		5		
Proposal includes adequate information on how the Respondent will meet Section 3/Targeted Section 3 goals and includes a Section 3 Acknowledgement Form.		5		
Proposal includes utilization of certified minority-owned, women-owned, and veteran-owned businesses located in Monroe County. Proposal describes a robust marketing methodology for employment outreach prior to and during construction.		5		
Project includes completed Environmental Checklist and has completed a Tier 1 broad-level review, at minimum.		5		
Proposal demonstrates exceptional community engagement at all stages.		5		
Project costs are broken down in sufficient detail to demonstrate that they are allowable and reasonable, and to permit appropriate allocation of costs.		5		

Category:

Experience

Criterion	Max. Points	Weight	Score	Notes
Organization has high-quality experience in the type and scope of project.		10		
Organization has worked on a HUD-funded project in the past 5 years.		5		
Organization has a history of successfully collaborating with other organizations, specifically those listed in the proposal.		5		
Past performance on projects has demonstrated excellent property management, or proposal includes commitment of an organization with same.		5		

Category:

Financing/Planning

Criterion	Max. Points	Weight	Score	Notes
Project timeline is reasonable and project will be completed within funding and commitment deadlines.		10		

Has secured or conditionally secured tax credits and other local, county, state, and federal funding sources.		5		
Pro-forma is detailed, transparent, and demonstrates a robust sustainability strategy.		5		

Category:

Financial Capacity

Criterion	Max. Points	Weight	Score	Notes
Organization records show the applicant has the financial capacity to complete project.		10		
Organization records show that the applicant has the programmatic and/or personell capacity to complete project.		5		
Contractor/sponsor demonstrates the financial capacity to absorb predictable changes or delays.		5		
Indirect and personnel costs are a reasonable percentage of the total program, or are funded from another source.		5		

Category:

Project Quality

Criterion	Max. Points	Weight	Score	Notes
How many total units will be preserved or created as affordable housing units?		5		
Does the respondent have an agreement in place with a homebuyer counseling provider?		5		
Projects will be located appropriately, near appropriate services such as public transportation, employment opportunities, and meets the standards in 24 CFR 92.202 (Site and Neighborhood Standards.)		5		
Site is designed to meet or exceed NYS energy and sustainable building standards, or preserves existing affordable housing.		5		
Cost per assisted unit is reasonable and comparable to similar projects funded under HOME.		5		

Category:

Alignment with Consolidated Plan and HOME

Criterion	Max. Points	Weight	Score	Notes
Assisted units will serve currently underserved populations in Monroe County, as demonstrated by data and narratives presented in the proposal.		10		
Project will significantly remove identified barriers to stable, high-quality housing.		10		

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