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## CLARK COUNTY, NEVADA

# HOME INVESTMENT PARTNERSHIPS PROGRAM – AMERICAN RESCUE PLAN ACT OF 2021 (HOME-ARP) & WELCOME HOME

## Program Guide & Application Instructions

Funding For

### Development of Permanent Supportive Rental Housing, County-wide

Issued by: Clark County, Nevada

Application Release Date: September 15, 2023

Application Due Date: November 14, 2023, at 5:00 pm PST

## Summary

Clark County (County) is seeking Applications from qualified Developers to create affordable permanent supportive rental housing to the populations outlined below in the County. \$7,475,673 in HOME Investment Partnerships Program - American Rescue Plan Act of 2021 (HOME-ARP) funds and up to \$10,000,000 in County funds will be available. The County also is releasing a companion application to fund services for these units, including \$3,114,864 in HOME-ARP and up to \$2,500,000 in County funds (a portion of the up to \$10,000,000 in County funds noted above) together with this Application. A minimum of 50% of each project funding request must be for HOME-ARP dollars. The County may consider funding 100% with County dollars only if a project can show why it absolutely cannot meet the HOME-ARP requirements for their targeted population.

Applicants should read the County's HOME-ARP Plan, which has been added to the Zoom Grant Library, along with the entire notice provided by the Department of Housing and Urban Development (HUD) regarding HOME-ARP funding located at:

[HUD Notice regarding HOME-ARP Funding](#)

Temporary forms of housing, such as transitional housing, are not eligible to be funded with HOME-ARP dollars. All projects funded through this Application process must be located in Clark County. Applicants are encouraged to include other funding sources and financing.

The following costs are eligible to be covered by HOME-ARP/County funds through this Application:

- Development hard costs, including the actual cost of constructing and/or rehabilitating housing to meet applicable property standards; and/or
- Acquisition costs of improved or unimproved real property; and/or
- Soft costs related to the development of the project.

The Qualifying Populations (QPs) for HOME-ARP are summarized as follows:

1. Homeless
2. At Risk of Homelessness
3. Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
4. Other Populations, which includes Other Families Requiring Services or Housing Assistance to Prevent Homelessness OR At Greatest Risk of Housing Instability

Veterans and families that include a veteran family member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

All projects funded through HOME-ARP funds must serve one or more QP as defined in [HUD Notice CPD-21-10](#) without preference for one QP.

All units funded with HOME-ARP must confirm potential tenants' status as a preferred QP and must use a specific prioritized waiting list for HOME-ARP funded units.

In no case can the HOME-ARP unit rents for QPs exceed 30% of the adjusted income of a household whose annual income is equal to or less than 50% of the median income for the area, as determined by HUD. The lesser of 30% of area median income or Fair market rent limits apply (see page 38-39 for additional information on rents).

[HUD HOME Rent Limits for the State of Nevada](#)

Because, for HOME-ARP units, rents are limited to 30% of the income of tenants many of the tenants will have incomes at or below 30% AMI; therefore, the County encourages Applicants to look for sources of funding to assist with rental income. For Applicants that may be interested in Project-Based Vouchers (PBV) for their project, the Southern Nevada Regional Housing Authority (SNRHA) has opened an application round for 50 PBVs. The PBV application round will run concurrent to this funding opportunity and can be accessed as PBV Voucher Program RFP # P23040 at the following website: <https://www.ngemnv.com/>

If your project is also applying for these PBVs, include those in the proforma you submit for this application, including the impact to operating costs. A decision by the County to award funding to any Applicant does not guarantee that PBVs will also be provided to that project. The decision to award PBVs will be made by SNRHA.

For projects located in unincorporated Clark County, Applicants may also be eligible for development fee discounts and expedited processing from certain Clark County departments. The Affordable Housing Certification Application for Building Fee Discounts and Expediting Processing is included within the Zoomgrants Content Library. Any project that applies for fee discounts and expedited processing through the aforementioned application must submit that application separately, to the email provided within that application. Any award of funds made under this application does not guarantee an awardee fee discounts or expedited processing.

The County is required to submit regular reports to HUD on its performance and to assure compliance. The County will set appropriate milestones/reporting requirements for Developers and Project Owners.

The County's official Application will post as of September 15, 2023, on the Clark County web site and be published in the Las Vegas Review Journal on September 16, 2023. The County will hold a Pre-Application meeting regarding this Application on October 3, 2023 at 1:00 pm PDT. The meeting will be held virtually through Zoom and all interested parties must register to attend by emailing: [chf@clarkcountynv.gov](mailto:chf@clarkcountynv.gov) and including "PSH Pre-Application Meeting" in the subject line. Once registered all interested parties will receive connection information. All interested Applicants should attend this meeting.

Exhibit 3 contains the HUD regulations that apply to HOME-ARP funds; all Applicants should read Exhibit 3 carefully to ensure that their application and proposed project will comply.

Description of Event	Date/Amount/or Other Details
Program Guidelines/Application release date	September 15, 2023
Pre-Application Meeting – To be held via Zoom	October 3, 2023, at 1:00 pm PDT
Deadline for Application Questions	October 26, 2023, at 5:00 pm PDT
Submission due date in ZoomGrants	November 14, 2023, at 5:00pm PST, <i>no extensions will be granted</i>
Commitment of funds	When all other funding secured & contingencies met. Must have an executed Funding Agreement within 1.5 years of the date of application.
Construction start deadline	Within 12 months of executing Funding Agreement
Construction completion deadline	December 31, 2025
Project lease-up/closeout deadline	December 31, 2026
Minimum project award of HOME-ARP funds	\$250,000, but new construction projects must be a minimum of 5 units.
Maximum project award of HOME-ARP funds	\$7,475,673
Maximum project award of County funds	\$10,000,000

Written questions may be sent to [chf@ClarkCountyNV.gov](mailto:chf@ClarkCountyNV.gov). Questions should be submitted by October 26, 2023, and all questions with responses will be emailed to interested parties no later than November 3, 2023.

Clark County Contact for this Application

Community Housing Administrator

[CHF@ClarkCountyNV.gov](mailto:CHF@ClarkCountyNV.gov)

The County will create a list of interested parties, to whom they will provide email updates, as they become available. All those who plan to apply should reach out to the email listed above and request to be added to this interested parties list.

## Eligible Beneficiaries

Residents of the housing units funded through this Application must meet the HUD definition of QPs:

1. Homeless
2. At Risk of Homelessness
3. Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
4. Other Populations who do not qualify under any of the populations above but meet one of the following criteria: (a) Other Families Requiring Services or Housing Assistance to Prevent Homelessness OR (b) Those at Greatest Risk of Housing Instability AND who meet one of the defined conditions established in 24 CFR 91.5.

Veterans and families that meet the criteria for one of the qualifying populations described above are eligible.

Units funded through HOME-ARP funds must be available to serve all QPs without preferences.

Owners must confirm potential tenants' status as a QP and must use a specific prioritized waiting list for HOME-ARP funded units.

Unlike the regular HOME Program, at least seventy percent (70%) of a project's HOME-ARP units must admit households based only upon their status as QP. The remaining 30% must have incomes at or below 30% of AMI, and those households may or may not be QP.

In no case can the HOME-ARP rent exceed 30% of the adjusted income of a QP household annual income is equal to or less than 50% of the median income for the area, as determined by HUD. This means that if incomes fall, rents can fall.

For the County-funded units, all households must have incomes at or below 50% of AMI. The County will provide a scoring preference for Applicants with County-funded units that serve households at 30% AMI or below.

## The Provision of Services

All projects must have a detailed services plan outlining how the population proposed to be housed will receive services that will help them achieve and maintain stability and remain healthy and successfully housed. Projects funded with HOME-ARP dollars must include services for the QPs, and those services must be able to be characterized as Homeless

Prevention Services as that term is defined by HUD<sup>1</sup>. Eligible costs associated with approved homelessness prevention supportive services includes, but is not limited to, costs of:

- case management
- childcare
- improving knowledge and basic educational skills
- establishing and/or operating employment assistance and job training programs
- providing meals or groceries
- assisting eligible program participants to locate, obtain and retain suitable housing
- certain legal services
- teaching critical life management skills

Additional details on eligible services are included in the accompanying Supportive Services for Permanent Supportive Rental Housing Application.

Applicants for housing development funding must demonstrate in their application that residents will have good access to supportive services. Case management will ensure that tenants have access to, a broad range of services to meet their needs. Supportive services must be voluntary and cannot be mandated as a condition of tenancy.

Services can be provided in one of two ways.

1. The project owner can provide services directly. This model should only be employed by organizations that have substantial experience and expertise in the provision of the services proposed.
2. The project owner can contract with another organization to provide the required services.

Either way, the Applicant will need to have included in their application a well-developed plan for the provision of services for residents of all units funded through this application. A MOU with selected service providers, as well as a plan, including staffing, summary of expertise, and budget, is required with every application submission. Any Applicant awarded funds under this application, as well as funds for services in the companion application, will have separate Funding Agreements for development and for services.

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<sup>1</sup> Eligible supportive services for QPs fall into one category: Homelessness Prevention Services. HOME-ARP Homelessness Prevention Services are adapted from certain eligible homelessness prevention services under the Emergency Services Grant regulations at 24 CFR Part 576. 24 CFR Part 576 implements the Emergency Solutions Grants program authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act. Eligible costs associated with McKinney-Vento supportive services and homelessness prevention supportive services include those listed above.

## Eligible Applicants and Project Types

Eligible Applicants are non-profit and for-profit Developers, including faith-based organizations, consistent with the requirements of 24 CFR 5.109. Applicants must be eligible to do business with the Federal Government, the State of Nevada, and Clark County. Funds will be allocated according to the process and criteria specified in this Program Guide. The County may reject any and all submissions. Awarded applications may or may not be funded for the full amount requested.

Applicants must be able to demonstrate:

- the capacity to develop, own, and manage the units to be developed, (past experience, performance, financial and staff capacity are all considered in the scoring criteria); and
- that they, or a secured partner, have the experience and capacity to provide the planned services.

The County will provide a scoring preference for Applicants with past experience in Clark County.

## Developer Fee

The allowable Developer fee for the project may not exceed 15% total project cost including land and excluding the Developer fee.

## Financing Requirements

The County will provide HOME-ARP funds in the form of a loan to the owner of the property. Loans will generally have the following terms:

- Between zero and three percent (0% - 3%), interest rate;
- Term of at least fifteen years;
- Secured by a Funding Agreement, a Promissory Note, a Deed of Trust and a Declaration of Restrictive Covenants;
- Repaid in full upon any refinancing, sale, or transfer of the property during the term of the loan, unless the County agrees to allow the loan obligations to transfer to a new owner; and
- full repayment will be required if the project goes into default of the Funding Agreement or other loan documents.

County funds will be provided as grants. HOME-ARP loans and County grants are subject to the following terms:

- The County will require all loans to be secured by an acceptable Deed of Trust at the time of project funding.

- The County will award funding in an amount appropriate to the scope of a proposed project and the needs and resources of the Applicant. The County may adjust the amount of HOME-ARP and/or County funds awarded to a project, and to negotiate modifications to the proposed work plan and budget prior to executing an agreement.
- Deed restrictions must be placed on all projects that receive HOME-ARP and/or County funds to ensure affordability regarding income and rent limitations.
- The County may fund those projects which reflect the highest and best use of HOME-ARP/County funds and place conditions on projects awarded which include, but are not limited to, requiring rents to be decreased, longer periods of affordability to be met, lower income levels to be served, etc.

All Applicants are required to fill out the County's Financial Feasibility Workbook, wherein they must include all sources and uses for project construction funding, as well as ongoing operating costs and project cashflow. The County has included a Supportive Services sheet in this workbook which should include all costs for the supportive services that will be provided with the project. The primary funding for the supportive services may be projected to come from the companion application for HOME-ARP/County funding for services. A portion of funding for services may also come from project cash flow; any excess project cashflow should be dedicated to supportive services.

### Eligible Activities/Uses of Funds

HOME-ARP/County funds will be used to support the following activities related to the purchase, improvement, and rental of property as affordable housing. No acquisition or activity should take place until the execution of the Funding Agreement and other closing documents and the completion of the environmental review:

- **Acquisition of Property** – which must result in HOME-ARP affordable permanent supportive housing development.
- **New construction** – New construction of affordable permanent supportive housing units. All newly constructed projects must be for a minimum of 5 housing units.
- **Rehabilitation** – Rehabilitation of existing buildings or existing units into affordable permanent supportive housing.
- **Reimbursement of soft costs** – which are reasonable and necessary. Funding for soft costs is only eligible in collaboration with an eligible hard cost and must be included in the budget provided for the County's approval. Examples of eligible soft costs could include the following project related costs -
  - Accounting fees
  - Application and Tax Credit Fees
  - Architecture/engineering
  - Bonds/insurance



- Consulting
- Environmental reviews
- Legal fees
- Market study/appraisal
- Marketing and leasing
- Survey
- Title and recording

**Excess funds** – The County will retain excess funds after all approved costs and approved Developer fees are paid.

Disbursements – All funds will be provided as reimbursement for actual costs only. Clark County may approve or deny the applicability and eligibility of costs on a per-application basis. HUD and the County require that construction/rehabilitation costs are reasonable and consistent with current market costs for the area where the multifamily construction will take place. Rehabilitation projects will be subject to the requirements in the County’s Housing Rehabilitation Standards document.

Exhibit 3 contains the HUD regulations that apply to HOME-ARP funds; all Applicants should read Exhibit 3 carefully to ensure that their application and proposed project will comply.

### **Period of Affordability**

The County has established 15 years as the minimum period for which new construction projects funded through this application must remain in use for affordable housing. Owners or the County may propose extended compliance periods.

The Period of Affordability begins on the date in which the project is complete as evidenced by HUD acceptance of a Project Completion Report, submitted by the County. Upon entering all required information in HUD’s IDIS, the County will notify Owner of the actual date of Project Completion and the exact date of the expiration of the HOME Affordability Period and the Extended Commitment Period, both of which shall be calculated based on the date of Project Completion. If necessary, Owner shall execute an amendment to this Agreement and/or the Covenant Running with the Land identifying the exact date of expiration of the HOME Affordability Period and Extended Commitment Period.

Period of Affordability ends after the designated number of years has elapsed and may be released by the County after the project sponsor submits a request for Release of Lien together with a current (completed during the previous 60 days) “passed” property inspection report for each HOME-assisted unit. All costs related to releasing the lien(s) shall be at the expense of the project owner. The affordability period and agreements will remain in effect through any sale or transfer, or full repayment of loan.

## Ineligible activities

The following activities are not eligible for reimbursement with HOME-ARP/County funds. However, some of these costs are eligible to be included in the total project budget.

- Pre-application costs and application development costs
- Advances of any type, including construction
- Reimbursing an Applicant for acquisition costs for a property that is already a part of their housing inventory.
- Refinancing existing debt.
- Using HOME-ARP funds for any form of housing that is considered short-term or transitional
- Using HOME-ARP funds for housing for sale to home buyers
- Active HOME or CDBG projects still in affordability period
- The payment of delinquent property taxes or utilities
- Providing assistance authorized under Section 9 of the 1937 Act (annual contributions for operation of public housing)
- Carrying out activities authorized under 24 CFR Part 968 (Public Housing Modernization)
- Off-site development costs
- Entertainment costs
- Purchase of Equipment

Costs incurred prior to execution of a Funding Agreement with the County and project closing are at the sole risk of the Developer and may not be eligible for reimbursement through funds awarded through this Application. Entering into earnest money for acquisition should be made contingent upon receipt of funds. HUD has indicated that the use of options to obtain site control is the preferred method.

## Minimum Per-project Size

The minimum project size through this program is at least five (5) Affordable Permanent Supportive Housing Units produced for the Qualifying Populations.

## Per-unit Subsidies, and Determination of the Number of HOME-ARP Assisted Units

The County will review per-unit costs and subsidies as a part of the scoring and underwriting process. These per-unit subsidies will also be used to determine the number of HOME-ARP/County funded units in a project.

## Other Funding Sources

Projects will need to meet the more stringent of the HOME-ARP and County funding requirements or the requirements of any other funding sources will be imposed. If the project will include hard debt that must be repaid, such as a private mortgage from a bank,

the Developer must clearly demonstrate through the pro forma that the repayment of this debt will not be a burden on the long-term viability of the project.

## Project Requirements

Project construction must be able to be completed by December 31, 2025. Developers should not submit applications for projects they cannot complete within the required timeframe. All units must meet all applicable State and local codes, ordinances, and zoning requirements.

## Operating Reserves

Operating reserves must be equal to, or greater than, 6 months of project operating expenses, including any required debt payments, and cover operating costs during the lease-up period.

## Construction/Unit Standards

New Construction: Projects must comply with accessibility requirements in accordance with [Section 504 of the Rehabilitation Act](#) and disaster mitigation standards in accordance with State and local requirements. Newly constructed multifamily rental structures (i.e. with 5 or more units) must meet the requirements of [HUDs Broadband Rule](#).

Rehabilitation: Any rehab projects must comply with the County's Housing Rehabilitation Standards. A Capital Needs Assessment for multifamily rental housing with 26 or more units, done by a certified, independent third party is required that identifies and addresses long-term physical needs of the project.

HOME-ARP rental units must comply with all rental property standards required in 24 CFR 92.251 paragraphs (a), (b), (c)(1) and (2), (e), and (f).

## Progress Reports

Applicants must submit progress reports to the County on a quarterly basis after the Funding Agreement has been executed regardless of whether the project is requesting reimbursement.

Applicant's financial system must be capable of generating regular financial status reports which indicate the dollar amount allocated for each activity, including any budget revisions, the amount obligated, and the amount expended for each activity for each funding source. The system must permit the comparison of actual expenditures and revenues against budgeted amounts.

At the end of the fiscal year the Applicant must submit beneficiary data on all projects completed during the preceding year and a report on all contractor activity.

## Application Evaluation Criteria

Applications will undergo a review that includes the following:

- **Threshold review:** Applications will be subject to threshold review to determine eligibility for HOME-ARP funding.
- **Scoring/underwriting:** The County will score and underwrite projects meeting threshold requirements.
- **Selected Projects:** Projects selected for funding must meet the requirements of this Program Guide and provide all documentation required by the County, prior to signing a Funding Agreement with the County.

### Threshold criteria include:

- Application and all requested narrative and attachments must be complete and received by the application submission deadline.
- The Applicant must provide a fully completed preliminary budget and proforma using the County's Financial Feasibility Workbook forms, including each anticipated source of funding, the anticipated funding amount, and the dates by which application for the funding has/will be made and by which funding decisions will be complete.
- The proposed activity(ies) must be eligible under the County's HOME-ARP Program.
- Projects must comply with Qualifying Populations and income targeting requirements.
- The Applicant must provide evidence of site control.
- The project is at a density and scale that is appropriate for the site and has access to existing utilities.
- Applicant team members must not be debarred or otherwise prohibited from conducting business with Clark County, the State of Nevada, or the Federal Government.
- Applicant must have developed a minimum of at least two multifamily projects, one of which must have been affordable.
- Applicant must possess a valid State of Nevada and Clark County Business License, as well as a NV Secretary of State Verification of Good Standing (if Applicant is from another State, please provide the equivalent from your State). If Applicant does not have business licenses at time of submission, they may provide proof that they have applied or will apply prior to project closing.
- Applicant's organizational mission must include the development and management of affordable housing.

Developers that do not meet the threshold requirements will be ineligible for further consideration.

The County will evaluate eligible applications according to the following selection criteria:

### **Project Feasibility and Plan (40 points)**

- The submission of a complete, clear, compliant, and appropriate set of preliminary plans and specifications or scope of work.
- Project budget is logical, reasonable, and a good value for the product. Estimated development and construction costs are well researched and detailed and include appropriate contingencies and operating reserves.
- The project 20-year operating pro forma is based on sound, appropriate information, convincing data, realistic inflators, and a detailed budget for services.
- Operating cash flows are realistic and adequate, and replacement reserves are appropriate.
- Project is well planned, structured and designed to fully comply with the requirements of these Program Guidelines and Application, local building and development codes, and HOME-ARP requirements.
- The project capitalizes on the desired characteristics related to durability, efficiency, accessibility, quality, usability, and aesthetics as outlined in this Application, and includes energy efficiency and sustainability, good use of existing built environment, low water use, and optional provision of renewable energy. Construction materials, methods, and design elements will be considered.
- Development milestones are realistic.
- There is effective marketing, referral, lease-up, and a management strategy in place.
- The project has quality community space, and space for the provision of services.
- The project is efficient and effective in its use of HOME-ARP and County funds, and in its leveraging of other funds. Other sources of funding are realistic, adequate and appropriate. All funding and associated requirements are reflected in the pro forma.
- The Developer fee for the project does not exceed 15% total project cost including land and excluding the Developer fee. The County will give a preference for Applicants with a lower than 15% of total project cost Developer fee.

### **Developer Capacity (25 points)**

- Recent history of development and/or redevelopment that includes high quality affordable residential products delivered on-schedule and on-budget.
- Staffing levels and skills/qualifications to complete the proposed project within the stated timeframe.
- The extent to which previous experience is similar in type, scale, and complexity to proposed project, and the financial strength of existing projects.

- The current and projected workload potential interference with the ability to complete this project in a timely manner.
- Organizational financial strength.
- Experience and capacity in the successful lease up and management of affordable housing properties.
- Experience and capacity to deliver tenant case management and services.
- Experience and capacity in ownership and asset management of a similar type and size rental development. The County will give a preference for Applicants with past experience in Clark County.

### **Community Impact/Project Marketability (10 points)**

- The project's close proximity to amenities valuable to the proposed population including grocery stores, healthcare, public transportation, social services, and parks or community centers.
- The likely impact of the project on the surrounding neighborhood. Will the project be a meaningful addition?
- The extent to which common areas would be useful to the target population, including community space, play areas, laundry facilities, outdoor space, and neighborhood walkability.
- The extent to which the project is designed to meet the needs and tastes of the targeted population, including overall and unit layout, size, number of bedrooms/bathrooms, architectural and aesthetic value, etc.
- A scoring preference will be provided to projects that rehab existing buildings and/or infrastructure and do so in a cost effective manner.
- The development has a positive impact on community equity by using a Developer or partner that is a Minority/Woman owned business or Minority/Women's Business Enterprise, as applicable. The organization, development and construction team are diverse, and Applicant makes good use of affirmative marketing strategies.

### **Permanent Supportive Housing/Services (15 points)**

- The tenant selection process is well-detailed, includes an effective referral process, and waiting list criteria are logical and compliant.
- The County will give a preference for projects that use County funds for units at 30% AMI and below.
- A detailed and achievable plan is in place for the provision of supportive services appropriate to the target population.

- Either the owner's or other providers' capacity and relevant experience to carry out the services.
- The extent to which the project is designed to meet the needs and tastes of the targeted population, including overall and unit layout, location, size, number of bedrooms/bathrooms, and architectural and aesthetic value. Project design includes any spaces needed to effectively provide services to and support for the target population.

### **Readiness to Proceed (10 points)**

- Have in place all needed zoning, and documentation attesting that the project has all necessary approvals to be issued a building permit (entitlements), utility permits, or detailed plan for securing those entitlements.
- Evidence of site control
- Provide a copy of the appraisal of land to be acquired/used for the project.
- Have solicited bids for the project and identified a building contractor for the project and have a contract in place that is contingent upon project funding.
- Include in the application conditional commitments for all construction and permanent sources containing the amount, interest rate, term and amortization period/repayment terms.
- Provide commitment letters or agreements from all project partners.

### **Funding Decisions/Limitations**

Awarded projects must meet all the conditions of the award before a Funding Agreement can be executed. The County cannot enter into a Funding Agreement before the completion of the environmental review and receipt of the Authorization to Use Grant Funds. (AUGF).

All other funding proposed for the project must be committed before the County will execute a Funding Agreement. Funding recipients will have 120 days from the date of award notification to document that all other sources have been committed to the project and all other conditions of award have been met. Funding recipients must request an extension if they cannot meet the conditions of award within the 120-day time period.

The Applicant will enter into a funding agreement with the County as a condition of award. Approval by the County may be final or tentative, but in any event shall be subject to funding. Construction default may occur if the Developer fails to complete the project within the time limits prescribed. The Applicant will hold the County and its employees and officials harmless to the maximum extent possible for any and all damages, of whatever nature, associated with the project. The Funding Agreement shall be subject to review and approval of the Clark County District Attorney's Office.

The County will provide HOME-ARP financial assistance in the form of a loan to the owner of the property. County funding will be provided in the form of a grant to selected

Applicants. Owner of the property means the entity that holds title to the land/property. The County will require all such loans to be secured by an acceptable Deed of Trust at the time of project funding. The County may negotiate modifications to the proposed work plan and budget prior to executing an agreement.

Owners must place deed restrictions on all projects that receive HOME-ARP funds.

The County may place conditions on projects awarded which include, but are not limited to, requiring rents to be decreased, longer periods of affordability to be met, lower income levels to be served, etc.

The Board of County Commissioners must approve the award of funds.

### **Limitations of HOME-ARP Award**

If the project changes purpose without prior approval by the County and no longer adheres to the original intent as described in the application, the County may revoke use of the HOME-ARP/County funds for the project and require repayment of all expended funds.

HUD will not allow HOME-ARP recipients to "buy out" of the affordability requirements regarding tenant incomes and rent. Under all circumstances, the deed restrictions will stay in effect and run with the land during the entirety of the affordability period.

If HOME-ARP/County funds are spent on a project that is terminated before completion, whether voluntarily by the recipient (or authorized contractor or sub-recipient) or otherwise, an amount equal to the HOME-ARP/County funds disbursed for the project must be repaid to the County.

Breach of the HOME-ARP Funding Agreement or deed restrictions may result in the County revoking an existing award, withholding unexpended HOME-ARP/County funds, requiring repayment of expended HOME-ARP/County funds, barring a recipient from applying for future County assistance, and/or other sanctions including but not limited to foreclosure or seeking specific performance via legal proceedings.

### **Retainage of Funds**

The County shall retain at least ten percent (10%) of the HOME-ARP/County allocation until the project is completed and the recipient submits documentation showing that the HOME-ARP/County assisted units meet the appropriate Standards and, as applicable, that the project has received all required close out documents.

### **Final Cost Certification**

Upon development completion, the Applicant must provide to the County a certified statement of Final Development Costs prepared by an independent third-party certified public accountant. The certification will include:

- A report of all expenditures, costs, and disposition of all development and all HOME-ARP and County Welcome HOME funds.



- A summary report of all work completed by budget category.
- A certification that HOME-ARP and County Welcome HOME funds provided by Clark County were used in accordance with the Funding Agreement.
- The signature of the recipient's Executive Director (or equivalent) or designated representative certifying that the information provided on the Final Cost Certification is a true and accurate statement of Total Development Costs and expenditures of HOME-ARP and County Welcome HOME funds for the development.
- Project photographs showing the work completed under the Funding Agreement.
- A Project Completion Report (if project is receiving HOME funds, use form HUD 40097).
- A Contract and Subcontract Activity Report (if project is receiving HOME funds, use form HUD 2516).

The same certification will cover HOME-ARP, County Welcome HOME and any HOME funds awarded.

### **Additional Application Information**

The County reserves the right to request additional information, after Application, as may be necessary to adequately assess each application. The County may request that changes be made to a proposal, fund portions of any given proposal, choose not to fund any or all proposals, and/or change the funding requirements or amount of a given proposal prior to closing. Applicants must respond and comply with any additional requests in a timely manner. Failure to do so will result in a proposal being ineligible for further consideration.

This solicitation is not a commitment or offer by the County to enter into an agreement with an Applicant or to pay any cost incurred in the preparation of a response to this application. The application and the selected Applicant's response may, by reference, become a part of the final agreement between the selected Applicant and the County resulting from this application. The County may reject any and all responses received with respect to this application and cancel the solicitation at any time prior to entering into a formal agreement.

### **Additional requirements for County Approval**

Additional terms and conditions will be provided to the selected project(s) by Clark County in the form of a Conditional Reservation Letter. Any additional documents required by the County detailed in the Conditional Reservation Letter must be provided prior to commitment and closing. The contents of these program guidelines and all provisions of the successful proposal(s) may be incorporated, either in whole or in part, into a Funding Agreement and become legally binding when approved and executed by both parties.

### **Contact with County During Application Process**

Applicants may not initiate any form of communication with a member of the Board of County Commissioners, the Clark County Community Development Advisory Committee or

a non-designated County staff person regarding selection from the time the solicitation is advertised until the item is posted on an agenda identifying the selected Applicant. Questions pertaining to this solicitation shall be addressed to the designated contact specified herein. Failure of an Applicant, or any of its representatives, to comply with this paragraph may result in their application being rejected.

### **Withdrawal of Application**

Applicant may request withdrawal of application in writing at any time.

### **Rejection of Application**

The County may reject any or all responses to this application, to advertise for new Applicants, and to accept any application responses. Acceptance of any application should not be construed as a development agreement, nor shall it indicate any commitment on the part of the County for any future action.

### **Revisions and Interpretations**

If it becomes necessary to revise any part of the solicitation, the County will provide a written revision to all Applicants. The County is not bound by any specifications by the County's employees, unless such clarification or change is provided to Applicant in writing from staff serving in a supervisory capacity.

### **Public Records**

The County is a public agency as defined by state law, and as such, it is subject to the Nevada Public Records Law (Chapter 239 of the Nevada Revised Statutes). Under that law, all of the County's records are public records, unless otherwise declared by law to be confidential, and are subject to inspection and copying by any person. Applicant is advised that once an application is received by the County, its contents will become a public record, and nothing contained in the application will be deemed to be confidential except proprietary information. Applicant shall not include any information in its application that is proprietary in nature or that it would not want to be released to the public. Applications must contain sufficient information to be evaluated. The funding agreement will be written without reference to any proprietary information. If Applicant feels that it cannot submit its application without including proprietary information, it must adhere to the following procedure, or its application may be deemed unresponsive and will not be recommended to the Board of County Commissioners for selection.

If Applicant needs to submit proprietary information, please send an email labeled "Proprietary Information" referencing the project's name to the County's contact. This email must contain a letter from the Applicant's legal counsel describing the proprietary information documents, representing in good faith that the information in each document meets the narrow definitions of proprietary information set forth in NRS 332.025, 332.061

and NRS Chapter 600A, and briefly stating the reasons why each document meets said definitions.

Upon receipt of an application accompanied by such a separate email, the County will determine whether the procedure described above has been followed. Any information submitted pursuant to the above procedure will be used by the County only for the purposes of evaluating Applications and conducting negotiations. If a lawsuit or other court action is initiated to obtain proprietary information, an Applicant who submits the proprietary information according to the above procedure must have legal counsel intervene in the court action and defend the secrecy of the information. Failure to do so shall be deemed Applicant's consent to the disclosure of the information by the County, Applicant's waiver of claims for wrongful disclosure by the County, and Applicant's covenant not to sue the County for such a disclosure.

By submitting proprietary information, in consideration of the terms related hereto, the Applicant also agrees to fully indemnify the County if the County is assessed any fine, judgment, court cost or attorney's fees as a result of a challenge to the designation of information as proprietary. In the event that the County incurs any expenses in this regard, it shall have a right to charge said expenses made in good faith to Applicant. An itemized statement of expenses shall be prima facie evidence of the fact and extent of the liability of Applicant.

If the County determines that a document that the Applicant has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the County will provide notice of that determination to the contact person designated by the Applicant in any reasonable manner that the County can provide such notice, at least five business days prior to public disclosure of the document. If the Applicant does not designate anyone to receive such notice the County will not have any obligation to provide any notice of a determination of non-confidentiality. If the Applicant does not designate anyone to receive such notice, or if within five business days after the designated person receives such notice, the Applicant does not initiate a judicial proceeding to protect the confidentiality of the document, the County will not have any obligation to withhold the document from public disclosure.

### **Collusion and Advance Disclosures**

Consistent with NRS 332.820, evidence of collusion among Applicants and prospective Applicants acting to restrain freedom of competition may void Applications.

Advance disclosures of any information to any particular Applicant that gives that Applicant any advantage over any other interested Applicant, in advance of submission of the application, whether in response to advertising or an informal request for applications, made or permitted by a member of the Board of County Commissioners or an employee or representative thereof, may operate to void all applications received in response to this solicitation.

Applicant shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the County, the Board of County Commissioners or any official conducting the screening of solicitation responses, or any other organization that may have a clear interest in the outcome of the screening process for the purpose of influencing the outcome of the solicitation response and selection process. Applicant shall not collude in any manner or engage in any practices with any other Applicant that may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the Applicant's application to be rejected by the County.

## Submittal Requirements

### Cover letter

Submit a cover letter introducing yourself and the project. Include a statement that the proposal is submitted in response to the application for *Development of Permanent Supportive Rental Housing*. The letter should be signed by the chief executive officer, chair of the board or the executive director of a nonprofit organization.

### Application

Complete the Application in ZoomGrants.

### Financial Feasibility

- A. Complete a Utility Allowance Model. Developers may use the utility allowance model developed by HUD ([HUD Utility Allowance Schedule](#)) to calculate tenant paid utilities, and include the completed model in their application.
- B. Complete all portions of the Financial Feasibility Workbook. This document includes the following tabs: Assumptions; Rents and Unit Mix; Operating Expenses; Sources and uses; Proforma; and the Supportive Services Budget. Applicants must include all sources and uses for project construction funding, as well as ongoing operating costs and project cashflow. The County has included a Supportive Services sheet in this workbook which should include all costs for the supportive services that will be provided with the project. The primary funding for the supportive services may be projected to come from the companion application for HOME-ARP/County funding for services. A portion of funding for services may also come from project cash flow; any excess project cashflow should be dedicated to supportive services.
- C. Provide a fully completed preliminary budget and proforma using the County's Financial Feasibility Workbook forms, including each anticipated source of funding, the anticipated funding amount, and the dates by which application for the funding has/will be made and by which funding decisions will be complete.
- D. Show the breakdown of funding sources requested, including that at least 50% of the funds requested should be from HOME-ARP.

- E. Provide commitment letters from all other funding sources.
- F. Identify all key conditions the project must satisfy before each funder will be willing to close. If any sources are not committed at the time of application submission, identify it will occur.
- G. Applicants may, in addition to the Financial Feasibility Spreadsheet, also submit a separate proforma, and must do so for any commercial development (mixed-use project), including a development and construction budget and a full analysis of construction and operating cash flow over time. There may be some need to apportion the costs between the two elements (divide costs based upon the total square footage of each use, for example). Both the housing and the commercial elements of the project should be viable over the affordability period based upon their individual marketability and cash flow.

### **Organization Information and Capacity**

- A. Provide a narrative overview of the organization's history and experience in
  - developing market rate and affordable multifamily rental housing, and
  - working with federally funded affordable housing programs, including HOME-ARP, CDBG, CDBG-DR, LIHTC, and HOME.
- B. Provide a project list with details about and locations of specific projects completed. Include the total number of units in each development, the total development cost and sources of funding for each, along with the date of completion. Also, specifically note any prior Permanent Supportive Housing Projects. Identify the Applicant's past and current experience in Clark County, including development and/or affordable housing work.
- C. Provide resumes for each staff person and partner directly responsible for development activity, as well as their percentage of their workload that will be dedicated to this project. If a CHDO is involved, it must contact the County prior to submission.
- D. Provide a narrative describing any existing commitments and any other opportunities that will be underway during the proposed development period and whether they will interfere with timely completion.
- E. Provide copies of the Developer's parent company financial statements as listed below for 2020, 2021, 2022 and current financial statements for 2023:
  - 1. Statement of Financial Position (balance sheet) showing current and other assets, current and long-term debt and other liabilities, and equity.
  - 2. Income Statement (profit and loss statement) showing the company's financial performance (income, expense, and net profit or loss).

3. Statement of cash flows showing changes in the entity's cash flows during the reporting periods.
  4. Copies of any audits completed during the past 3 years. The County reserves the right to require audited or certified financial statements prior to commitment.
- F. Provide a narrative on how the project will comply with Section 3 requirements.
- G. Provide evidence of being a certified Minority/Woman-owned business or enterprise or having certified Minority/Woman-owned businesses or enterprises on the development team, and making good use of affirmative marketing strategies. Complete HUD Form 2516.

### **Supportive Housing/Services Information**

- A. In a narrative, provide a plan for the provision of services to tenants, including the following elements:
1. Services to be provided: Outline the services to be provided and how they are a fit for the anticipated tenants. Also, describe the process for connecting tenants with the services and determining tenant's service needs. Articulate who provide case management, and how it will be done; where the services will be provided and, if on-site, what space is available; and how transportation will be provided for any off-site services. Articulate how the project owner will ensure that tenants have a choice about what services they use, and about who will provide those services.
  2. Capacity: Detail who (agency and position) will be involved in the provision of case management, and the agencies that will be involved in the provision of services. What specific roles will each partner fill? Who will be responsible for overall management of the plan? What is the experience, training, and expertise of each member of the team relative to the tasks for which they will be responsible? If working with a separate organization(s) in the provision of case management and/or services, provide a copy of the Memorandum of Understanding(s) between the organizations.
  3. Budget: How will the project pay for the services to be provided, including case management throughout the affordability period?
- B. Provide a narrative description of any other support provided to tenants, including amenities and describe the extent to which the project is designed to meet the needs and tastes of the targeted population, including overall and unit layout, location, size, number of bedrooms/bathrooms, architectural and aesthetic value and any spaces needed to effectively provide services to and support for the target population.
- C. Describe the partnership between the Applicant and the supportive services provider(s). Clearly define the relationship between entities and include any

memoranda of understanding (MOUs) or contracts in place. Discuss prior experience with the service provider(s) and describe similar projects which have been collaborated and the outcomes achieved.

D. Include an agreement that the Applicant and Service Provider will:

1. expressly include reasonable accommodation in the application for tenancy;
2. not ask Applicants/residents for medical or other protected information unless and only to the extent legally necessary (e.g., processing reasonable accommodations);
3. use standard leases with the same rights available to, and responsibilities expected of, households in other HOME properties;
4. ensure participation in any supportive services is entirely voluntary (not a formal or implied condition of occupancy);
5. not engage in medical, therapeutic, or other activities regulated by the U.S. Centers for Medicare & Medicaid Services with respect to the residents; and
6. not give a preference based on being a client of a particular provider.

### **Project/Property Information**

A. Provide copies of the following documents:

1. Preliminary plans, including at a minimum, a site map with marked cross streets and a North arrow, photos of the site, a site plan, floor plans with dimensions, and elevations. All drawings to be scaled and submitted electronically. Include a chart describing basic exterior and interior materials/finishes and amenities and a narrative describing the energy and green building standards that will be met and the type of heating, air conditioning and ventilation system to be installed. For rehabilitation work, provide a detailed scope of work, by trade and a relocation plan if any relocation will be needed.
2. Appraisal(s) of land to be acquired/used for the project.
3. Evidence of site control evidenced by submission of an executed option to buy, a purchase agreement, a deed, or lease agreement and must be good for at least 90 days past the deadline for application submission. A lease agreement must be for the full affordability period.
4. Either evidence of proper zoning or a description of what has been done and what remains to be done to come into compliance. Evidence of proper zoning will be required prior to commitment).
5. Identify in a milestone chart the anticipated dates for the completion of all key development milestones, including:
  - a. Submission of application for all other funding sources.

- b. NEPA review and approval, if required.
  - c. Completion and submission of evidence of proper zoning.
  - d. Completion and submission of lead-based paint risk assessment report (if applicable), building entitlement approvals, and utility approvals.
  - e. Acquisition of property (also include anticipated purchase price).
  - f. Executed contract with general contractor for project.
  - g. Construction start date.
  - h. Construction completion date.
  - i. 100% lease-up.
6. Provide a market assessment report for the project that provides, at a minimum, the local prevailing market rents and vacancy rates to support the need and viability of the proposed development.
  7. Provide a completed phase I Environmental site assessment valid in accordance with the most current ASTM standard, along with complete and satisfactory responses to any issues raised in the Phase I report. The Phase I ESA report must be dated within four (4) months of the application submission due date.
- B. Provide a list of amenities important to the target population within 1.5 miles of the site including grocery stores, healthcare, public transportation, social services, employment centers, and parks or community centers.
  - C. Provide a narrative explaining how the project will market to potential tenants, referral methods, tenant screening, and the use of a prioritized waitlist, how it will ensure that potential tenants meet the QP criteria, and how it will meet fair housing/anti-discrimination requirements in the selection of tenants. Describe the differences between the HOME-ARP eligible units and other units in the project, including any market rate units. Include the HUD935 Affirmative Marketing Plan, as described on pages 47-48.
  - D. Identify any mechanisms currently in place, or planned, to assist with the rents for potential tenants, including project-based vouchers. Include commitment letters or evidence of application for those subsidies.
  - E. Describe the financing structure for any commercial units.

#### Business License

Applicant must possess a valid State of Nevada and Clark County Business License, as well as a NV Secretary of State Verification of Good Standing (if Applicant is from another State, please provide the equivalent from your State). If Applicant does not have business licenses at time of submission, they may provide proof that they have applied or will apply prior to project closing.



## Submittal Instructions

The County is using ZoomGrants to collect applications. All applications are to be submitted via ZoomGrants no later than 5:00 p.m. PST on November 14, 2023. You must log in to ZoomGrants, complete all the information requested, and upload each of the items requested above into the Documents section of ZoomGrants.

To access the application, please use this link:

<https://www.zoomgrants.com/gprop.asp?donorid=2092&limited=4753>

All responses submitted must be the original work product of the Applicant. Copying, paraphrasing or otherwise using a substantial portion of the work product of another Applicant is not permitted.

The APPLICATION in ZoomGrants is divided into 4 tabs: Summary, Pre-Application, Application Questions and Documents. There is also a Library that includes downloadable documents (including this one) that should be reviewed in conjunction with this APPLICATION. This Library is viewable when working in any of the tabs.

For questions specifically on the functioning of the ZoomGrants APPLICATION email CHF@ClarkCountyNV.Gov.

### Library Contents

HOME-ARP Development of Permanent Supportive Rental Housing Program Guide and Application Instructions

CPD-21-10: Requirements for the Use of Funds in the HOME-American Rescue Plan Program

Clark County HOME-ARP Allocation Plan

Affordable Housing Certification Application for Building Fee Discounts and Expediting Processing

Clark County Section 3 Policy and Procedures

2023 HUD HOME and Fair Market Rents for Clark County

HOME-ARP Supportive Services for Permanent Supportive Rental Housing Program Guide and Application Instructions

### Summary

This section asks for the Application Title/Project Name. Use that title/name as a reference if emailing with questions. The amount of funding is also requested, please include separate amounts if requesting HOME-ARP and County funds.

- I. **Other Required Signed Forms (see Exhibits at end of document)**
  - A. Lobbying Certification
  - B. Conflict of Interest
  - C. Section 504 Certification

### **General Application Questions**

Check all boxes and complete the narratives as directed. Documents referenced in the questions can be found in the Library or as downloadable templates in the Documents section. Other requested information can be uploaded in the Documents section under the appropriate title. All information requested must be entered or uploaded into ZoomGrants.

**Exhibit 1** is a list of all required documents that need to be uploaded (templates and titles for uploading documents).

## Exhibit 1 - HOME-ARP Rental Project Developer Application Checklist

### List of everything to be submitted with the application for project funding

- 1. Cover Letter (*I on page 20*)
- 2. Application (*IIA on page 20*) \*
- 3. Utility Allowance Model (*IIB on page 20*)
- 4. HOME-ARP Financial Feasibility Spreadsheet (*IIC on page 20*) \*
- 5. Narrative on Organization Information and Capacity (*IIIA-G on pages 21-22*)
- 6. Reference contact information from past clients (*IIIA on page 21*)
- 7. Two years of project financials (*IIIA on page 21*)
- 8. Resumes for all staff and partners (*III C on page 21*)
- 9. Copies of current financial statements and recent audits (*IIIF on page 22*)
- 10. Evidence of Certified MBE/WBE (*III H on page 22 – if applicable*)
- 11. HUD Form 2516 (*III G on page 22*)
- 12. Narrative Plan for Supportive Housing/Services (*IVA & B on pages 22-23*)
- 13. Memorandum of Understanding for Supportive Services (*IVA2 on pages 22-23*)
- 14. Preliminary Plans and related documents (*VA1 on page 23*)
- 15. Scope of work for rehabilitation, if applicable (*VA1 on page 23*)
- 16. Relocation Plan, if applicable (*VA1 on page 23*)
- 17. Evidence of site control (*VA2 on page 23*)
- 18. Project development milestone chart (*VA6 on pages 23-24*)
- 19. Market Assessment Report (*VA7 on page 24*)
- 20. Phase I Environmental Site Assessment (*VA8 on page 24*)
- 21. Project/Property Information Narrative (*VB-E on page 24*)
- 22. Signed Lobbying Certification (*Exhibit 2 on page 29*)
- 23. Signed Conflict of Interest (*Exhibit 2 on pages 30-31*)
- 24. Signed Section 504 Certification (*Exhibit 2 on page 32*)

\* *Separate attachment to Application.*

### Optional at application stage but needed for readiness to proceed points. Required before execution of Funding Agreement

- 25. Letters of Commitment from partners or partnership agreements (*IIIB on page 21*)
- 26. Contract with building contractor (*VA4f on page 24*)
- 27. Lead risk assessment and cost estimate, if available (*VA4d on page 24*)
- 28. Evidence of proper zoning for the site (*VA4c on page 24*)
- 29. Appraisals for all project property (*VA2 on page 23*)
- 30. Documentation from the local building official attesting that the project has all necessary approvals to be issued a building permit (if fully entitled or has a completed application) (*VA5 on page 24*)
- 31. Affirmative marketing plan - HUD935 (*VC1 on page 24*)
- 32. Documentation of funding and investor commitments (*VE on page 24*)

## **Exhibit 2 - Certifications**

In addition to the certifications below, which must be completed, and signed, the Applicant, by submission of this application certifies the following:

### **Debarment**

By submission of this Application, Applicant certifies that neither it, nor any of its principals, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any requests for Application, invitations to bid, contracts, or agreements by any federal, state, county, or other government department of agency.

### **Bankruptcies, Pending Litigation, or Unfavorable Judgments**

Applicant certifies that there have been no bankruptcies, pending litigation or unfavorable judgments in last 10 years of any principal of the Applicant's firm providing financial guarantees to construction lenders and/or investors, whether in the current organization or a prior organization where they served as a principal of Applicant. Applicant must upload to this Application a complete description of any and all bankruptcies, unfavorable judgments and/or pending lawsuits involving themselves or any entity in which they have been or are now involved over the last ten years.

### **Financial Statements**

In the event Applicant does not maintain audited financial statements, Applicant certifies that any unaudited statement of financial condition of their entity submitted with this Application reflects an accurate and complete statement of Applicant's assets and liabilities, net worth, restricted and unrestricted cash, statements of operations, cash flow, income and expense for each year reported.

## HOME-ARP Program Mandatory Acknowledgement “Lobbying Certification”

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies that to the best of his or her knowledge and belief.

(1) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an office or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Division 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$1,000,000 for each such failure.

WITNESSES:                      SUBRECIPIENT, CONTRACTOR OR SUBCONTRACTOR:

1. \_\_\_\_\_ Signature: \_\_\_\_\_

2. \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **Clark County HOME-ARP Program Mandatory Acknowledgement “Conflict of Interest”**

Clark County is required by HUD to include a Conflict-of-Interest clause in all contracts. Please be aware that these requirements will apply if you are awarded a contract with Clark County.

The Contractor warrants that its participation in this contract will conform to the requirements of all applicable HOME-ARP regulations including Sections 84.42, 85.36 and 570.611 of Title 24 of the Code of Federal Regulations, and further warrants that such participation will not result in any organizational conflict of interest. Organizational Conflict of Interest is defined as a situation in which the nature of work under this contract and the Contractor’s organizational, financial, contractual or other interests are such that:

- Award of the contract may result in an unfair competitive advantage; or the Contractor’s objectivity in performing the contract work may be impaired.
- In the event the Contractor has an organizational conflict of interest as defined herein, the Contractor shall disclose such conflict of interest fully in the submission of the proposal and/or during the life of the contract.
- The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to Clark County, which shall include a description of the action the Contractor has taken or intends to take to eliminate or neutralize the conflict. may, however, terminate the contract if it is in the best interest of the County.
- In the event the Contractor was aware of an organizational conflict of interest before the award of this contract and intentionally did not disclose the conflict to the County, the County may terminate the contract for default.
- The provisions of this clause shall be included in all subcontracts and consulting agreements.
- No federal, state or local elected official, nor any employee of Clark County, nor any corporation owned or controlled by such person, shall be allowed to participate in any share or part of this contract or to realize any benefit from it. This provision shall be construed to extend to this contract if made with a corporation for its general benefit.
- No member, officer, or employee of Clark County, no member of the governing body of Clark County or any other local government and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, shall, during his or her tenure, or for one year thereafter, have any interest, direct or indirect, in this contract or the proceeds thereof.
- The County reserves discretion to determine the proper treatment of any conflict of interest disclosed under this provision.

Witnesses:

Sub-recipient, Contractor, or Subcontractor:

1. \_\_\_\_\_

Signature: \_\_\_\_\_

2. \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 504 Program Certification Form (Housing & Construction Projects)

*(Completed form to be submitted at time of application)*

Clark County, under regulations from the U.S. Department of Housing and Urban Development (HUD), requires that each Applicant for federal funds sign the "Section 504 Certification Form" which indicates the subrecipients (authorized official for the respective organization) acceptance to:

1. Comply with all applicable regulations,
2. Incur all costs required for compliance with the applicable regulations,
3. Be subject to Clark County and HUD monitoring for compliance, and
4. Accept any applicable penalties for noncompliance.

### Signature and Certification:

The undersigned certifies to Clark County that it has read and understands all of its obligations under Section 504 requirements. The undersigned acknowledges that this certification will be relied upon by the County in its review and approval of proposal for funding and any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in programs administered by Clark County.

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Name and address of Project

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Applicant (Organization Name)

\_\_\_\_\_ Date \_\_\_\_\_

Applicant Signature

\_\_\_\_\_ Date \_\_\_\_\_

Architect/Engineer signature (If applicable)





### Exhibit 3 - HOME-ARP Requirements and Developer Obligations

Applicants must be prepared to comply with the following HOME-ARP requirements, and requirements on County funds where applicable:

- **Relocation** - The Developer must adhere to federal requirements related to acquisition, displacement and relocation found at 49 CFR Part 24 (the Uniform Relocation Assistance and Real Property Acquisition Act). Occupied properties triggering displacement are ineligible for this Application unless the County approves a waiver prior to application submission.
- **Environmental Review** – An environmental review will be required for any project selected through this Application in accordance with 24 CFR, Part 58. The proposal application will include a Phase I Environmental Site Assessment valid in accordance with the most current ASTM Standard dated within 4 months of the application submission due date. The County may reject any sites indicated to have environmental problems or hazards. The Developer may not proceed with any activity until it has been issued an Authority to Use Grant Funds and Notice to Proceed. Developers must agree that the provision of any funds to their project(s) is conditioned on the County’s determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. Developers may be required to contract for environmental consulting services to provide the necessary information, which shall be an eligible project soft cost.

No work may start on a proposed Project, or proposed site acquisition, if applicable, before both the federal and state environmental review processes are completed, even if that work/acquisition is being done using non-federal funds. After submission of an application by a Developer for the use of HOME-ARP funds, there can be no choice-limiting actions on the part of the Developer/owner until environmental clearance is received in the form of an Authority to Use Grant Funds or environmental clearance letter issued by the County. Market studies, environmental studies, plan development, engineering or design costs, inspections and tests are not considered “choice-limiting” actions. “Choice-limiting actions” are defined as any activity that would have an adverse environmental impact or limit the choice of reasonable alternatives, such as acquisition by the Developer/owner (or any subsidiary of the Developer), construction, demolition of buildings, or rehabilitation or reconstruction of buildings. Per 24 CFR Part 58.22, failure to comply with the prohibition against committing funds or taking physical action (using either HUD funds or non-HUD funds) before the completion of the environmental review process could result in loss of HUD assistance, cancellation of the Project, reimbursement by the Developer/owner to HUD for the amount expended, or suspension of the disbursement of funds for the affected activity.

- **Federal Labor Provisions (HUD 4010)** - Federal Labor Standards Provisions apply to this project, including:

- 29 CFR-5.5: Minimum wages, frequency of payment, payroll records, and other requirements subject to the provisions of 29 CFR-5.5.
- Davis-Bacon: Construction will be subject to the Davis-Bacon requirements as outlined in 24 CFR 92.354.
- Contract Work Hours and Safety Standards Act: Requirements regarding overtime and related provisions.
- **Accessibility** - Projects will be subject to accessibility requirements under Section 504 of the Rehabilitation Act of 1973.
- Section 3 of the HUD Act of 1968 - compliance requirements of Section 3 of the HUD Act of 1968 (12 U.S.C. 1701u) ("Section 3") are triggered when a Project receives in excess of \$200,000 of HUD funds for the construction, reconstruction, conversion or rehabilitation of housing, other public construction that includes buildings or improvements assisted with HOME-ARP funds. Contractors/subcontractors whose contracts are paid in full or in part with HOME-ARP funds and exceed \$100,000 must also comply with Section 3 of the HUD Act of 1968.

The subrecipient shall require the Developer to:

- Prepare and utilize a Section 3 Plan.
- Designate a Section 3 Coordinator.
- Take affirmative steps to follow the Section 3 Plan and document those efforts.
- Include a Section 3 Clause and Contractor Certification of Efforts to Fully Comply with Employment and Training Provision of Section 3 in any construction contract in excess of \$100,000.
- **Equal Opportunity** – This project will be subject to federal opportunity provisions and responsibilities, including:
  - Title VI of the Civil Rights Act of 1964: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination based on race, color, and/or national origin under any program or activity receiving federal financial assistance.
  - Title VII of the Civil Rights Act of 1968 (The Fair Housing Act): This act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promote fair housing.
  - Restoration Act of 1987: This act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, disability or age in a program or activity which does not directly benefit from such assistance.
  - Section 109 of Title 1 of the Housing and Community Development Act of 1974 [42 U.S.C. 53091]: This Section of Title 1 provides that no person shall be excluded

- from participation (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title 1 of the Act.
- The Fair Housing Amendment Act of 1988: This act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthen punishment for acts of housing discrimination, expand the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts, and create an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.
  - The Age Discrimination Act of 1975: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any State law currently in effect on the same topic.
  - Section 504 of the Rehabilitation Act of 1973: It is unlawful to discriminate based on disability in federally assisted programs. This Section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance. Section 504 also contains design and construction accessibility provisions for multi-family dwellings developed or substantially rehabilitated for first occupancy on or after March 13, 1991.
  - The Americans with Disabilities Act of 1990 (ADA): This act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against "a qualified individual with a disability" in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.
  - Executive Order 11063: This executive order provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the federal government.
  - Executive Order 11259: This executive order provides that the administration of all federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities throughout the United States.

- The Equal Employment Opportunity Act: This act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil actions in federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings federal, state, and local governments under the Civil Rights Act of 1964.
- The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978: This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal and referral. It is designed to assist employers, labor organizations, employment agencies, licensing and certification boards in complying with the requirements of federal laws prohibiting discriminatory employment.
- The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002): This act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.
- Executive Order 11246: This executive order applies to all federally assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race.

Proposals will demonstrate that the proposed Projects will affirmatively further fair housing and adequate tenant market, which are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard related impacts.

- **Bonding/Insurance** - The contractor completing the construction work will be required to secure a Payment and Performance Bond or a Construction Guarantee and to carry liability insurance for this project. Builders Risk will be required during construction, and commercial property and liability insurance will be required during the affordability period.
- **Cost certification** – A third-party cost certification for this project will be required prior to final payment of funds.
- **Construction** – In all work under this Application, Developers must adhere to all applicable federal, state and local laws, codes, zoning and other requirements relating to construction, housing safety, quality, and habitability.
- **Eminent domain**: The use of eminent domain is prohibited with this funding.
- **Replacement Reserves**: Developers will be expected to establish and maintain a Replacement Reserve Fund. Developer will be responsible to deposit a minimum of two hundred and fifty dollars (\$250) per unit per annum into the fund for capital improvements to the property. The County may allow for a smaller amount of

replacement reserves if justified by a Developer provided, third party, Capital Needs Assessment (CNA).

- **Affordable Rent Restrictions:** Developers must propose rents for the HOME-ARP assisted units that can be shown to be realistic by comparison with other rents for comparable dwelling units in the same neighborhood. Although those rents may be lower than the rents listed below, they cannot be more than the amounts listed below. All rents listed below must be adjusted for any utilities paid by the tenant (except telephone).

2023 Maximum rent standards							
(Subtract tenant paid utility allowance to determine maximum actual rents)							
Unit size, in number of bedrooms	Efficiency	1 BR	2BR	3 BR	4 BR	5 BR	6 BR
Low HOME Rents	\$758	\$812	\$975	\$1126	\$1256	\$1386	\$1515

Pursuant to Section VI.B.13.d of the HOME-ARP Notice, Developers may either use the utility allowance model developed by HUD to calculate tenant paid utilities, and include the completed model in their application, or adopt the utility allowance schedule of the local PHA.

- Rent limitations for units restricted for occupancy by Qualifying Households. In no case can the HOME-ARP rents exceed 30% of the adjusted income of a household whose annual income is equal to or less than 50% of the median income for the area, as determined by HUD. The lesser of 30% of area median income or Fair market rent limits apply.

Notwithstanding the foregoing, a unit that receives a Federal or state project-based rental subsidy and is occupied by a very low-income household that pays as a contribution to rent no more than 30 percent of the household’s adjusted income, may charge the rent allowable under the Federal or state project-based rental subsidy program (i.e., the tenant rental contribution plus the rental subsidy allowable under that program). If a household receives tenant-based rental assistance, the rent is the rent permissible under the applicable rental assistance program (i.e., the tenant rental contribution plus the rental subsidy allowable under that rental assistance program).

Units restricted for occupancy by qualifying populations must be occupied by households that meet the definition of a qualifying population at the time of initial occupancy. The household’s contribution toward rent during this period must be affordable in accordance with the HOME-ARP Notice. The rents for these units must comply with the rent limitations established in the HOME-ARP Notice,

including the rent provisions specified in 24 CFR 92.252(i)(2) for households whose income increases above 80 percent of area median income and whose contribution to rent complies with the requirements in Section VI.B.15 of the HOME-ARP Notice.

- Rent limitations – low-income households. HOME-ARP rental units occupied by low-income households must comply with the rent limitations in 24 CFR 92.252(a) (i.e., the lesser of the Fair Market Rent for existing housing for comparable units in the area, as established by HUD, or a rent equal to 30 percent of the income of a family at 65 percent of median income for the area, as determined by HUD, with adjustments for number of bedrooms in the unit). Notwithstanding the foregoing, when a household receives assistance from a federal tenant-based rental assistance (e.g., housing choice vouchers), the rent is the rent permissible under the applicable rental assistance program (i.e., the tenant rental contribution plus the rent subsidy allowable under the rental assistance program). The rent limits for low-income households apply to the rent plus the utility allowance established pursuant to Section VI.B.13.d of the HOME-ARP Notice.

Units available for low-income households must be continuously occupied by households who are income eligible. The rents for these units must comply with the rent limitations established in the HOME-ARP Notice, including the rent provisions specified in 24 CFR 92.252(i)(2) for households whose income increases above 80 percent of area median income.

Utility Allowance:

HOME regulations, 24 CFR 92.252(d) and 24 CFR 93.302(c), respectively, require that the utility allowance (UA) for the project be based on the type of utilities used at the project. The UA is to be established using a project specific methodology and based on actual utility usage at the property or estimates an allowance based on project-specific factors such as size, orientation, building materials, mechanical systems, and construction quality as well as local climate conditions.

*Public Housing Authority area-wide UAs prepared for the housing choice voucher program are no longer an acceptable method of calculating UAs. Projects which anticipate the award of project-based vouchers (PBV) will require a waiver either of the HOME regulation (allowing the use of the PHA UA) or the PBV regulations (which otherwise do not allow for a project-specific UA). Applicants should consult with the County as early as possible in the process to discuss the approach and timing as HUD waivers may take six to twelve months.*

The following methodologies, used in other Federal housing programs will HOME regulatory requirements and are generally acceptable to CRM. CRM

must approve the methodology selected by an applicant. The same methodology must be used for all HOME units within a single project.

HUD Utility Schedule Model (HUSM): The HUSM enables users to calculate utility schedules by housing type after entering utility rate information (tariffs). This model is based on climate and survey information from the U. S. Energy Information Administration of the Department of Energy, and it incorporates energy efficiency and Energy Star data. This model is allowed for LIHTC projects per IRS regulations at 26 CFR 1.42-10(b)(4)(D). The HUSM and use instructions can be accessed on HUD User at <https://www.huduser.gov/portal/resources/utilallowance.html>. The HUSM is available as either a spreadsheet model in MS EXCEL or a web-based model on HUD User at <https://www.huduser.gov/portal/datasets/husm/uam.html>.

- Multifamily Housing Utility Analysis: In 2015, HUD published Multifamily Notice H-2015- 4 to provide instructions to owners and management agents for completing the required utility analysis. This analysis is also used for the USDA Rural Housing Service program and allowed for LIHTC projects per IRS regulations at 26 CFR 1.42-10(b)(3). This method is applicable for the following programs: Project-based Section 8, Section 101, Section 202/162, Section 811, Section 236, and Section 221(d)(3).
- Energy Consumption Model (Engineer Model) (26 CFR 1.42-10(b)(4)(E)): UA based on 10(b)(4)(E): UA based on an energy and water and sewage consumption and analysis model (energy consumption model) prepared by a properly licensed engineer or a qualified professional. IRS regulations require that such professionals be independent from the property owner and they specify the building factors that must be included in the model.
- **Tenant Requirements:** The following requirements pertain to the lease of the housing units to eligible tenants:
  - Occupancy by Extremely Low-Income Households – All units assisted with HOME-ARP funds must either serve QPs or Extremely Low Income (ELI) households with incomes at or below thirty percent (30%) of the area median income (AMI), adjusted by household size, as defined below. Up to 30% of HOME-ARP funded units may use status as an ELI household rather than the tenant’s status as a QP. For those who will be qualified on the basis of Income, their income must be calculated using an allowable methodology as outlined in the Technical Guide for Determining Income and Allowances for the HOME Program:

[Technical Guide for Determining Income and Allowances for the HOME Program](#)

2023 Income Calculations for Clark County, NV								
Household Size	1-person	2-person	3-person	4-person	5-person	6-person	7-person	8-person
30% AMI	\$18,200	\$20,800	\$23,400	\$26,000	\$28,100	\$30,200	\$32,250	\$34,350
50% AMI	\$30,350	\$34,650	\$39,000	\$43,300	\$46,800	\$50,250	\$53,700	\$57,200

- **Qualifying Populations restrictions:** In addition, HUD requires that a minimum of 70% of all HOME-ARP funded units serve a QP, and up to 100% of HOME-ARP funded units can qualify on this basis. All QPs defined below must have equal access to the HOME-ARP housing units. The project manager will use a prioritized waiting list for this purpose. These QPs are defined in CPD Notice 21-10 as follows:
  1. **Homeless**, as defined in 24 CFR 91.5 Homeless (1), (2), or (3):
    - (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
      - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
      - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or 4 (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
    - (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
      - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
      - (ii) No subsequent residence has been identified; and
      - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing.



(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

2. **At risk of Homelessness**, as defined in 24 CFR 91.5 At risk of homelessness:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have enough resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition in this section; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there resides more than two persons or lives in a larger housing unit in which there resides more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as "homeless" under this section but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

**3. Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD.**

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the

same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

**Domestic violence**, which is defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:

- (1) A current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship);
- (2) A person with whom the victim shares a child in common;
- (3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds; or
- 5) Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating violence** which is defined in 24 CFR 5.2003 means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship;
  - b. The type of relationship; and
  - c. The frequency of interaction between the persons involved in the relationship.

**Sexual assault** which is defined in 24 CFR 5.2003 means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** which is defined in 24 CFR 5.2003 means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

**Human Trafficking** includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102). These are defined as:

(1) Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(2) Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

4. **Other Populations** where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

(1) **Other Families Requiring Services or Housing Assistance to Prevent Homelessness** is defined as households (i.e., individuals and families) who have previously been qualified as "homeless" as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.

(2) **At Greatest Risk of Housing Instability** is defined as household who meets either paragraph (i) or (ii) below:

(i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs);

(ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions from paragraph (iii) of the "At risk of homelessness" definition established at 24 CFR 91.5:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

**Veterans and Families that include a Veteran Family Member** that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

- **Affordability Period:** HOME-ARP assisted units must meet the affordability requirements, including affordable rents and occupancy by Qualifying Populations, as described elsewhere in this document. These restrictions will be imposed for a minimum period of fifteen (15) years, or longer as required and outlined in the Funding Agreement and associated documents. Affordability requirements apply regardless of the term of any loan or mortgage or the transfer of ownership and will be imposed by a declaration of covenants recorded in first lien position. The County will also conduct monitoring and inspections and will require recordkeeping and reporting requirements throughout the affordability period.

At a minimum, Owners will keep the following records:

- Records that demonstrate that the project meets the property standards in 24 CFR Part 92.251;
- Records that demonstrate that the rental project meets the affordability requirements of 24 CFR Part 92.252. Records must be kept for each family assisted;
- Records that demonstrate compliance with the Tenant and Participant Protections requirements of 24 CFR Part 92.253;

- Equal opportunity and fair housing records containing data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME-ARP/County funds;
- Records of emergency transfers requested under 24 CFR 5.2005(e) and 92.359 pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of those requests;
- Documentation of actions undertaken to meet the requirements of 24 CFR Part 92.350 which implements Section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701 u);
- Document and data on the steps taken by the recipient to implement outreach programs to minority-owned and female-owned business including data indicating racial/ethnic or gender of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with HOME funds; the amount of the contract or subcontract, and documentation of the recipient's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services;
- Documentation of the actions the recipient has taken to affirmatively further fair housing;
- Records indicating the affirmative marketing procedures and requirements under 24 CFR Part 92.351;
- If applicable, records which demonstrate compliance with the requirements of 24 CFR Part 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property on the date described in 24 CFR Part 92.353 (c)(2)(1)(A), moving into the property on or after the date described in 24 CFR Part 92.353 (c)(2)(1)(A), and occupying the property upon completion of the project;
- Records demonstrating compliance with labor requirements in 24 CFR Part 92.354 (Davis Bacon Requirements), including contract provisions and payroll records;
- Records concerning lead-based paint under 24 CFR Part 92.355;
- Records demonstrating compliance with flood insurance requirements under 24 CFR Part 92.358;
- Records of written agreements and monitoring required by 24 CFR Part 92.504;
- Financial and related records required by 24 CFR Part 92.505;
- Records of audits and resolution of audit findings; and

- The invoices, purchase vouchers, payrolls, and project records showing how funds were spent must be secured and retained for five (5) years after project closeout. Please note that a project does not "close out" until the HOME period of affordability has been met, i.e., 15 years or longer. **HOME-ARP Funding Agreement Requirements**

HOME-ARP/County fund recipients will be required to enter into a Funding Agreement (and associated documents, including but not limited to, a note, deed of trust, and declaration of covenants which will include, but not be limited to, the following:

- A statement of the intended use of the HOME-ARP/County funds, specifying how the funds will be used in connection with the HOME-ARP Program;
- A detailed budget schedule appropriate to the scope of the development;
- A timetable listing the steps considered necessary for the timely completion of the development and listing the schedule for the payment of the HOME-ARP/County funding;
- A provision for the administration of the HOME-ARP/County funds according to generally accepted financial accounting procedures, for regular periodic reporting to the County of HOME-ARP/County funded activities, and for the disposition of funds in accordance with the intended use;
- A provision for the cessation of HOME-ARP/County payments if the County determines that the Applicant is not using HOME-ARP/County funds for its intended purposes or is not proceeding satisfactorily with the development of the project;
- A provision requiring compliance with HOME-ARP program requirements and the provisions of the agreement for the period of affordability;
- A statement acknowledging that the Applicant and its architect, and not the County, are responsible for obtaining necessary licenses and permits, if any, for ensuring that all aspects of the development comply with all applicable laws, regulations, ordinances, and codes, and for all costs of the development in excess of the amount of approved award; and
- A promise to defend and hold harmless, the County from any action arising from its alleged failure to award HOME-ARP/County funds under the applicable program.

- **BID SOLICITATION AND CONTRACTING**

Developers are not specifically required to use formal competitive bidding procedures, however in all cases a project's costs must be reasonable, and competitive bids are one method of demonstrating that construction costs are reasonable.

For projects not using competitive bidding procedures, the County may require the Applicant to obtain an independent third-party cost review by a consultant acceptable

to the County. Additionally, Applicants must disclose any identity of interest (aka related party) relationships between the Developer and other development team members (e.g., general contractor, management company, etc.).

All funding recipients must do outreach to encourage participation by minority and women-owned business enterprises. When advertising for bids, funding recipients must include a statement that says, "minority and women-owned businesses are encouraged to apply."

The County maintains a list of all minority and women-owned businesses. Each recipient should request a list of the MBE/WBE contractors located in the area of their project and should offer the contractors an opportunity to submit a bid.

The funding recipient should also follow through with the outreach efforts identified in their response to application questions concerning MBE/WBE outreach.

All work should be covered by written contracts stating, minimally, start and end dates, scope of work and contract amount.

- **Nevada Property Tax Exemption for HOME-Funded Affordable Housing Projects:** Pursuant to Nevada Revised Statute 361.082 and Nevada Administrative Code Chapter 361, Part A, real or tangible personal property used for low-income housing may be exempt from Nevada property tax if a property receives certain types of State and Federal funding for affordable housing, including HUD HOME funds. HOME-ARP dollars will be considered HOME dollars for the purposes of applying for that property tax exemption. Following project completion, a project owner may apply for the property tax exemption through the Clark County Assessor's Office.
- **Affirmative Marketing Plan:** Prior to the commitment of funds (but not required at the time of proposal submission for this Application), HOME-ARP projects must submit an Affirmative Marketing Plan developed using the Affirmative Fair Housing Marketing Plan Form HUD-935.2A. Affirmative Marketing involves special outreach and advertising efforts designed to communicate the availability of HOME-ARP assisted housing to those groups or individuals who might otherwise be unlikely to apply. Those groups are identified through analysis of local housing market area demographics using statistics readily available from the U.S. Census Bureau and determining appropriate advertising and outreach efforts to be followed by Developers to reach out to those least likely to apply for the housing opportunity. Affirmative marketing efforts must begin at least 90 days prior to initial occupancy for new construction projects.
  1. Developers shall download [Form HUD-935.2A](#).
  2. Review the form and its instructions.
  3. Identify the Census Tract where the housing is located.



4. Determine the Census Tract(s) that comprise the Housing Market Area (generally multiple Census Tracts comprising a Town or portion of a County). Develop a map to represent this market area. CPD Maps may be used for this purpose.
5. Determine the Census Tract(s) that comprise the Expanded Housing Market Area (generally multiple Census Tracts that comprise an entire County and often areas that extend beyond jurisdictional boundaries).
6. Using CPD Maps or U.S. Census Bureau data, complete Form HUD-935.A Worksheet 1, listing the number of residents in each category (existing Project residents if applicable, Project wait list Applicant data if applicable, residents of the Census Tract, residents of the designated Housing Market Area, and finally residents of the Expanded Housing Market Area).
7. Based on the data evaluation in Worksheet 1, to identify any under- representation of certain demographic groups in terms of race, color, national origin, religion, sex, familial status, or disability. If there is significant under- representation of any demographic group among Project residents or current Applicants (for existing housing) in relation to the housing/expanded housing market area, then targeted outreach and marketing should be directed towards these individuals least likely to apply. To identify underrepresented groups least likely to apply for housing in newly constructed Projects that do not currently have existing occupants or waitlists, evaluate the Census Tract data against the Housing Market Area and the Expanded Housing Market Area to identify underrepresented groups in the Census Tract. Note that individuals and families that were impacted by the disasters and Section 8 Housing Choice Voucher holders shall be considered among those who are under-represented and least likely to apply.
8. Worksheet 2 shall not be used. Residency Preference Areas shall not be established for DR-MHP Projects.
9. Complete Worksheet 3 to identify each targeted underrepresented population and the specific community contacts to be consulted for the purpose of effectuating Affirmative Marketing. To reach out to individuals and families that were impacted by the disasters and to Section 8 Housing Choice Voucher holders, the AFHMP shall, to the extent feasible, identify non-profit caseworkers who were on the ground during the disaster, contact area public housing agencies, advertise through TV, Radio, Newspapers, Billboards, 211 system. Within the interest list and application, data shall be collected to determine if a prospective Applicant was impacted by the disasters or is a Section 8 Housing Choice Voucher holder.
10. Complete Worksheet 4 to identify appropriate advertising methods (publications, outlets) for each targeted population.
11. Review and update the AFHMP every five years, or when there are significant changes to the demographics of the Project or the local housing market area.

- **Deadlines:** Developers that receive HOME-ARP funds must take title (in the case of acquisition) and have a fully executed construction contract for at least fifty percent (50%) of funded project within sixty (60) days of the signing of the Funding Agreement. Projects must have County approved milestones associated with the acquisition, development, and lease-up of the units, and demonstrate progress toward this deadline by reaching milestones on the approved schedule. **Projects that do not reach milestones in a timely manner will be subject to rescission of HOME-ARP funding.**
- **Reporting:** Each funded Developer will be required to collect and report information about the organization(s) responsible for oversight over the development and management of the property, including, but not limited to an audited annual financial statement within ninety (90) days after the end of the Developer's fiscal year. The audit must be submitted annually throughout the life of the HOME-ARP project.

Each funded Developer will be expected to collect and report information about the uses of funds throughout the development of the project, including, but not limited to:

- Annual certified rent-roll within thirty (30) days of the project's fiscal year end;
- Operating budget comparing actual to projected income/expenses prepared by Developer and property manager sixty (60) days prior to the project's fiscal year end;
- Annual Section 8 (HQS) inspection report;
- Annual re-certification of tenant income;
- Monthly lease status and rental amount for each property during initial lease up;
- Report of case management and service hours provided for each tenant;
- Other data needed to support HUD reporting requirements and performance measures; and
- Tenant income, household composition & other information required to document eligibility.

Failure to submit such reports can be cause for withholding HOME-ARP funding draws or required repayment of HOME-ARP funds.

Additional project/program requirements will be outlined in the Funding Agreement following the selection of projects. Developers of projects must notify the County concerning any material changes in the project including, but not limited to, a change in property management, organization staffing, any actions or impending actions against the property, changes in ownership, etc.

- **Non-compliance/Recapture Requirements:** In compliance with Federal regulations, Developers may be required to repay all, or a portion of, HOME-ARP funds received in the event of non-compliance. Reasons for recapture include, but are not limited to:
  - The Developer does not comply with the terms of the Loan Documents;

- The funded project fails to meet Affordable Unit requirements during the loan term;
- HOME-ARP funds are used for ineligible activities or costs; or
- Funds remain undisbursed after the project is completed or beyond the expenditure deadline.